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AN

EXPOSITION

OF THE AFFAIRS

OF THE

Medical Society

OF SOUTH-CAROLINA,

SO FAR AS THEY APPERTAIN TO THE ESTABLISHMENT OF A

Medical College in Charleston,

AND THE SUBSEQUENT DIVISION OF THE LATTER,

Into two Schools of Medicine.

PUBLISHED BY ORDER OF THE MEDICAL SOCIETY.

Charleston:
PRINTED BY
E. J. VAN BRUNT,
No. 121, East Bay,

1833.

At a stated meeting of the Medical Society of South Carolina, convened this day, December 2nd, 1833, the following was unanimously adopted:—

Resolved, That the Report of the late Committee of the Medical Society, relating to the affairs of the Medical College, be submitted to a Committee, to inspect, revise and publish the same.

From the minutes.

FRANCIS Y. PORCHER, M. D.
President of the Medical Society.

JACOB DE LA MOTTA, M. D. *Secretary.*

EXPOSITION, &c.

THE unhappy Schism which has taken place between the late Professors of the Medical College of South Carolina, and the Medical Society of South Carolina, the founder of this Institution, and the establishment of two Medical Colleges in the city of Charleston, and the erroneous impressions which exist in relation to the causes of this Schism—require that a full explanation of all the material circumstances which have produced this result should be made known to the public. However painful, the members of the Medical Society feel it their duty to show, that in the controversy which has terminated in the final separation of the Professors as teachers in the Society's School, and the Society, no blame can be attached to the latter. That in no one instance have the members of the Society infringed upon the rights, privileges, or honors of the Professors, but have only maintained their own. That they did not wish the Professors to withdraw, but were anxious that they should continue in the discharge of their duties—that in all their acts, they have been governed alone by a sense of duty to their profession, and the community at large.

To substantiate these statements, it will be necessary to give a concise history of the origin and progress of the Medical College, and the ground of complaint on the part of the Professors. In the discharge of this duty a scrupulous avoidance as far as possible of all remarks which might appear in the slightest degree personal, will be adhered to. It is far from the wish of the members of the Medical Society to awaken angry or vexatious discussions, confident that such a course would only compromit the character and dignity of the Medical profession and outrage public feeling. Their motives and conduct have been impugned, and they feel only desirous to vindicate themselves.

In 1821, Dr. Cooper in an address ably demonstrated the importance of establishing a Medical College in South Carolina. He was desirous of having it established in Columbia, or partly in Columbia, and partly in Charleston. In consequence of this

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suggestion an effort was made to establish a Medical College in Charleston. To accomplish this a memorial was sent up to the Legislature by the Medical Society, in November 1822, to have its charter so extended as to enable it to confer Medical degrees. This was not acted upon—this effort having proved unsuccesful, the subject was again brought to the consideration of the Society, when it was determined that application should be made to the Trustees of the Charleston College to confer Medical degrees, if a College was established. This application was likewise rejected It was therefore resolved that another memorial should be sent to the Legislature in 1823, which application proved successful, and the following Act was passed:

AN ACT *to incorporate certain Societies, and for other purposes.*

WHEREAS the Medical Society of South Carolina has taken measures for the establishment of a Medical School in Charleston, to be conducted by Professors chosen by the Society, and at its own expense, and has petitioned for the authority to confer Medical Degrees; and whereas it is the duty of an enlightened government to aid the advancement of science:

Be it therefore enacted, That from and after the passing of this Act, the Medical Society of South Carolina, shall be, and they are hereby authorized to organize a Medical School, to consist of such professorships as they may deem expedient, and to confer Medical Degrees upon such candidates as may qualify themselves therefor, under the regulations which they may establish.

In the Senate, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eight year of the Independence of the United States of America.

JACOB BOND PON,
President of the Senate.
PATRICK NOBLE,
Speaker of the House of Representatives.

It will thus be seen that the establishment of the Medical College was through the agency of the Medical Society alone.

The Medical Society having now been essentially incorporated as a Medical College, entered promptly upon a plan for the establishment of a School of Medicine; a committee was appointed, composed of most of the gentlemen who were afterwards appointed Professors, who made a report, a part of which is copied, shewing the terms upon which the gentlemen were expected to accept of Professorships in the school about to be form-

ed. After urging the importance of having a Medical School, the committee remark :—

"It cannot however be denied that there exist certain difficulties in the way of any plan that can be offered for the formation of a Medical School, under present circumstances. The chief and most pressing of these is one indeed which includes all the rest, and from which they all spring, the want of money.—The friends of the Society, it is too well known, are not in a condition to allow of extending any considerable pecuniary patronage to the proposed Seminary without exhibiting a degree of generosity inconsistent with prudence, but your committee are satisfied that this serious obstacle is by no means insurmountable, they are confident that in any event your Professors elect will take upon themselves willingly the burden of the expenses of the establishment; they cannot believe that there is among us a single individual who if chosen from the rest for the fulfilment of so high a trust, the accomplishment of so desirable an object, would not freely contribute his share of the necessary expenditures."

With this fair understanding, urged too by many of the gentlemen who were elected Professors, although most of the chairs were warmly contested by others willing to accept under similar conditions; it will in due order be shown that these very gentlemen laid claim to all the funds granted to endow the College by the City and the State as their own, over which it is pretended the Medical Society had no right to exercise any control. The gentlemen elected to the different Professorships were

JOHN E. HOLBROOK, M. D.
Professor of Anatomy.

JAMES RAMSAY, M. D.
Professor of Surgery.

SAMUEL H. DICKSON, M. D.
Professor of Institutes and Practice of Medicine.

THOMAS G. PRIOLEAU, M. D.
Professor of Obstetrics and Diseases of Women and Children.

EDMUND RAVENEL, M. D.
Professor of Chemistry and Pharmacy.

HENRY R. FROST, M. D.
Professor of Materia Medica.

The Medical Society now appointed Trustees, who were to act conjointly, with the Professors, in adopting such plans as were best calculated to insure the successful operation of the Medical College; full confidence was reposed in them, and it was

expected as the especial duty of the Professors, as agents of the Medical Society, delegated with a high and solemn trust, receiving all the honor and reward incidental to their stations, that they would leave no means untried to secure the permanency and success of the College. It was their interest as well as their duty so to do.

With this understanding the College was founded, and flourished beyond the most sanguine expectation. The Professors to the best of their abilities performing their part, and the Society giving its patronage, and regularly superintending the Institution, and conferring the degrees. There was for several years perfect harmony.

What then, it may be asked, gave rise to discontent—what produced that unhappy schism which has so fatally struck at the usefulness of a School so flourishing, and promising so much good? The cause will be explained—and it will then be seen whether the Medical Society, or the Professors, wished to usurp power beyond what either had a right to.

In 1831, the Professor of Surgery resigned his chair. Two candidates offered, to supply his place, Dr. Eli Geddings and Dr. John Wagner. The Professors were anxious to have Dr. Geddings appointed; yet as a faculty they never made any communication to the Society to this effect. As members of the Medical Society, having an equal right to vote as other members, they used all their influence to obtain his election. Dr. Wagner was however, elected by a small majority. The result of this election gave great umbrage to the Professors, and they sent a protest to the Medical Society, wherein after stating what they had done for the Medical College which will be presently considered, they conclude with the claim, "that they have the moral right of determining who ought or who ought not to enjoy with them the advantages and privileges, the honors and reputation which have cost them the best years of their lives." A proposition so extraordinary and unparalelled in the history of any literary or scientific institution, as Professors denying the right to the power which created them, of having vacancies in the College supplied in the same manner in which they were appointed, was promptly rejected. The election was perfectly fair and constitutional, and the members of the Society regarded themselves as charged with a solemn trust which they were to exercise independently, and to the best of their abilities, and however resolved the members of the Society were to maintain their rights, they scrupulously avoided interfering with the rights of the Professors, and were particu-

larly anxious that all causes of dissention should be, if possible, prevented. All they desired was, that the College which had gone on prosperously under the control of the Society should so continue. The Professors were now, however, determined, if possible, to obtain all power over the College, and to retain it in their own hands, or at least to deprive the Medical Society of any further control. To appease irritated feelings a committee of the Society was appointed to confer with them, which committee "warned them of their contemplated efforts, told them that if a separation took place the good feeling of medical gentlemen, so important to the success of the College, would be alienated—that they would injure an institution in which the public was so much concerned; that the College had gone on prosperously, and beyond the most sanguine expectation under the existing relation between the Medical Society and College—that to change the regulations of an institution not only without good reason, but against it, would cause it to be regarded as unstable, and vacillating, and would thus impair the public confidence."

These admonitions were disregarded, so determined were the Professors to deprive, if possible, the body which created them, of its chartered rights.—The Professors sent up to the Legislature a memorial, praying to alter the Board of Trustees of the Medical College, in other words, to deprive the Medical Society of its charter, and transfer it to another body. Upon a knowledge of this procedure, the Society sent up a counter memorial. This memorial was carried up by Dr. T. Y. Simons, who was instructed to represent the feelings and wishes of the Society. The particulars of his agency has been already before the public, wherein he affirms, that before a committee of the Legislature composed of five distinguished lawyers, viz., Messrs. Dunkin, Petigru, Wardlaw, McWhillie, and Wallace Thompson, he urged the unconstitutionality of any Legislative enactment depriving the Society of its chartered rights, when it was decided by the committee that it was not a chartered right, but a trust without an interest. The letter of Mr Dunkin to Dr. Simons which has been likewise published, confirms this statement. Such being the opinion of these intelligent gentlemen, Dr. Simons agreed that he would not seek to have the question agitated in the Legislature, provided the committee would not take all power from the Society; although he distinctly stated he had no authority from the Society so to act. An Act was reported to the house, as the result of a compromise, although it was altered in some essential points from the one he had assented to, which was passed. [See Appendix, A.]

When the Act was presented to the Medical Society, it was rejected. It was maintained that the opinion of the committee was incorrect, that the Legislature had not the constitutional power to interfere with its chartered rights, that private Corporations were sacred, and that it was due to the Medical Society, to the community, and to the country, that the question should be tested by the laws of the land, to which decision, as in duty bound, the Society would cheerfully acquiesce. The case was accordingly brought before the Appeal Court which honorable body declared the Act of the General Assembly to incorporate the Medical College of South Carolina, passed 17th of December, 1831, *unconstitutional* and restored to the Society its former rights. [See Appendix, B.]

In taking this step, it was far from the intention of the Society to cast any reflection upon the Legislature. It was believed that honourable body acted under mistaken views, and not from any intentional oppression.

Were the Professors, it might with great propriety be asked, deprived of their situation? No.* It was the particular desire of the members of the Society that they should continue in office. The object as already stated, not being to infringe upon any of their rights or privileges, but simply to maintain the rights of the Society. Under these circumstances, and with these feelings, it was confidently anticipated that a decision by the highest law authorities, after an impartial hearing, would have satisfied reasonable men, who had a desire to promote the interest of the Medical profession, the community, and the College. But to the great surprise of the members of the Society, the Professors (except the newly elected Professor of Institutes and Practice of Medicine, without any intimation being given to that gentleman or the Society,) sent up a memorial, praying for a new Incorporation.--When this new act of hostility became known, it was too late to send up to the Legislature a counter-memorial, and an Act was passed, creating a new College, the tendency of which, was, to injure, if not destroy the old Incorporation. At the same

*After the decision of the Appeal Court Dr. Dickson resigned his Professorship The resignation, it was unanimously agreed not to accept, so anxious were the members of the Society to show that the object of the contest was not to deprive any of the Professors of their rights Dr. D. however, persisted in his resignation's being accepted, and it was accordingly accepted.

As their were no prospects of Dr. Dickson's again accepting the chair he previously occupied, he having been spoken to by many of his friends, an advertisement was then issued, inviting gentlemen to make application for the vacant Professorship, and Dr. T. Y Simons was elected, who performed the duties of the chair in the session of 1832 and 1833.

time appointing all the Memorialists teachers in the new institution, and eleven gentlemen, *not* of *the Medical Profession*, to act as Trustees. [See Appendix, C.] It is not pretended, that the Professors were bound to notify the Society of their intention, although common courtesy would seem to require it. But it does seem as if they were afraid that if a fair investigation of all the circumstances had been made, they would have failed in their object. If their cause was just, why resort to concealment; why not have the question fully brought to the view and understanding of the Legislative Assembly? It was the confident expectation of the members of the Soociety, that the Legislature of the country would not act upon *exparte* statements, that they, as an enlightened and impartial body, having alone the interest and prosperity of the country at heart, would have adopted the wise and equitable maxim, "*Audi alteram partem*," more especially as the Appeal Court after hearing an elaborate and learned discussion had decided in favor of the Society. The interests of the Medical School, the cause of Medical Science, the unalterable principles of justice, seemed to demand this. But, it was decided otherwise, and a new Act of Incorporation was passed. We feel persuaded, that had the members of the Legislature been fully apprized of all the circumstances which gave rise to the controversy between the Society and the late Professors of the Medical College, the new Act of Incorporation would not have been passed. They would have said, go on under your existing regulations; one College we have already liberally endowed, and we will not now do an act which will be calculated to injure it.

Although the Memorialists were appointed by the Legislature Professors in a new incorporated College, they did not resign their stations in the old Incorporation. To hold Professorships in both Colleges was absurd; accordingly the Trustees made formal written inquiry of the Professors, whether they intended to remain in the old Institution, or become Professors in the new. Thus presenting them a choice. Did this look like proscription? Did this look like a desire to deprive them of their situations? Even with this renewed and unjustifiable attack upon the body which had created them Professors, and without which body they never would have held these stations, the members of the Medical Society with a magnanimity which became the dignity and character of members of a learned profession, were willing to forgive, and forget, and to have these gentlemen to continue in the performance of their duties. The only

satisfaction, however, which was obtained, was, that they did not wish to be "catechised." The Professors would not say whether they would remain in the Medical College of South Carolina under the Society, or in the other Institution. At the termination of the course of Lectures the Medical Society conferred degrees upon the graduates. As soon as the session of the College had terminated, the Professors kept forcible possession of the College building, would not admit the Trustees or the Professor of the Institutes and Practice of Medicine to enter, and a man was placed there with orders to shoot the first person who attempted to enter. The Medical Society had the question again referred to the Courts of the County, when twelve impartial Jurymen and two Magistrates after hearing all the testimony, promptly decided in favour of the Society, and the building was transferred to the Society. [See Appendix, D.] The late Professors were resolved not to have any connection with the Medical Society, at least in their capacity as Teachers, and of their own free will, withdrew from the control of the Society, and placed themselves under the Trustees of the new Institution. If it had been their wish they could have remained as Professors, and had all the advantages of the building, erected not from money out of their pockets, but from money granted by the City and State for which we are all taxed.

The cry of injustice founded upon *exparte* statement, has been raised against the Medical Society; to show how unjust this statement has been, it is only necessary to state, that in every instance where the whole merits of the question have been fairly canvassed, the Society has been admitted to have been right, and the Professors wrong. The constant efforts of the Professors have been *power;* to cast a stain upon the body which created them; to transcend the constitution and law under which they were appointed. The Society has simply maintained its rights, and because the Professors could not destroy the charter of the Society they abandoned their situations in the Medical Society's School, for the places which they now occupy.

The members of the Medical Society invite investigation, and if the Legislature will appoint a committee of impartial individuals to examine the subject—every circumstance will be laid before them—for the members of the Society feel that they have been persecuted, insulted, and wronged. The former Professors, in a memorial to the Legislature, had stated that the whole burthen of establishing the Medical College fell upon them, and it has been generally believed they have suffered ma-

ny sacrifices. Now a more fallacious statement never was spread abroad. Let the facts be made known.

1st. The Professors knew that if they were elected—for when the law was passed they were simply members of the Society—that they would have to bear all the expenses—but to meet these expenses, each Professor was allowed to charge each student from Fifteen to Twenty Dollars for their Lectures, and Five Dollars for Matriculation or Entrance, and Forty Dollars for Graduation Fees.

2dly. That these Professors were not the only persons willing to enter upon these duties under this contract, almost every chair was warmly contested.

3dly. That although to erect a small wooden building to Lecture in, the Professors had at first, to advance some money; say Five or Six Thousand Dollars. Yet the first year they had Fifty Students, whose Tickets, Matriculation and Graduation Fees, came up to that amount. Afterwards, Fifteen Thousand Dollars were granted by the City,* Seventeen Thousand by the State, and upwards of Sixteen Thousand for Matriculation and Graduation Fees, charged upon the Students, which the Medical Society allowed the Professors to take, for the express purpose of defraying incidental expenses.—The aggregate, of this, is Forty-Eight Thousand Dollars, which they have received to erect a building, procure a Chemical apparatus, ob-

*In relation to the $15,000 obtained from the City, the Professors considered that it was their private property. Now the facts are these, without consulting the Medical Society, they entered into a bond, with the City Council to which each made himself liable, the conditions of which were, that if the sum of $15,000 was granted to the Medical College of South Carolina, (to which Institution it was granted, and not to the Faculty as private individuals,) they would guarantee medical attendance at the Alms House and Marine Hospital free of expense to the City, finding medicines, &c. for the period of ——— years. Now these duties have never been performed, except for one or two years, by the Professors, agreeably to the expectation of Council, but by other medical gentlemen, and when the question was tried in the City Council, it was decided that the contract made with the Professors, was not made with them as private individuals, but as Agents of the Medical Society Or in other words, as the Faculty of the Medical Society's School. The Faculty having been dislocated, their bond was cancelled—and the Society entered into a new bond with the City Council that the Institutions should be provided with medical attendance free of expense The public Institutions viz. the Marine Hospital and the Hospital of the Alms House, agreeably to this decision, remain under the superintendence, and in the sole charge of the Medical Society's present Agents. It is true the former Faculty petitioned for the money granted by the Legislature as well as that granted by the City Council—they were, however, acting as agents of the Society, whose especial duty it was to attend to it, and it was given not to them but to the College.

tain Anatomical preparations, and for incidental expenses.—The building has been left in very bad repair. The Chemical apparatus in an indifferent and deranged state, and very imperfect, and but a small Anatomical Museum. The building and all the apparatus it is presumed would not bring Twenty Thousand Dollars—so far from the Professors spending their own money—they were lavish in the expenditure of the public money. Let us see now how much they gained and divided among themselves, for their Lectures, for much has been said about their pecuniary sacrifices.—From 1824 to 1832 there have been upwards of *nine hundred and fifty Students* who have attended the College, each of whom paid for the Tickets of the Lecturers, one hundred and five Dollars. Multiply nine hundred and fifty by one hundred and five, and you will have *Ninety Nine Thousand Seven Hundred and Fifty Dollars*, deduct nine thousand seven hundred and fifty Dollars for bad debts, and you will have *Ninety Thousand Dollars*, which have been a clear profit divided among them since the establishment of the College.—And if it had not been for the Medical Society the Parent of the Medical College, whose President alone has the power of conferring degrees, they could not have shared this profit. Thus then the Society gave them the opportunity of obtaining honor and pecuniary reward, for services which they volunteered and were anxious to perform, and it has received in return the abuse and contumely of those whom *it* patronized.

Such is a plain and accurate history of all the material circumstances connected with the origin of the Medical College of South Carolina, the relation which subsisted between the Society and Faculty, and the grounds of difference.

The Professors having obtained from the Legislature a new Act of Incorporation with new Trustees—they thus severed the connection which subsisted between them, as Teachers in the Medical College, and the Medical Society, and all that remained for the Trustees of the College to do, was, to appoint Professors to fill Chairs which thus became vacant. Accordingly an advertisement was issued inviting candidates from different parts of the United States, and the following gentlemen were elected:

JOHN R. RHINELANDER, M. D. of New-York.
*Professor of Anatomy.**

THOMAS Y. SIMONS, M. D. of Charleston, S. C.
Professor of Theory and Practice of Medicine.

*DR. RHINELANDER brought with him probably the most valuable collection of Anatomical preparations in the United States.

Gunning S. Bedford, M. D. of N. York.
*Professor of Obstetrics and Diseases of Women and Children.**
Andrew Hazel, M. D. of Charleston, S. C.
Professor of Materia Medica.
Henry Alexander, M. D. of Charleston, S. C.
Professor of Institutes of Medicine.
William Hume, M. D. of Charleston, S. C.
Professor of Surgery.
Charles Davis, M. D. of Philadelphia.
Professor of Chemistry.

The Trustees are :—

Francis Y. Porcher, M. D. *President of the Medical Society and Ex-officio Chairman of the Board of Trustees.*
Benjamin B. Simons, M. D.
Edward W. North, M. D.
Joseph Glover, M. D.
Thomas Aiken, M. D.
J. De La Motta, M. D.
William Holmes, M. D.
E. Horlbeck, M. D.
H. S. Waring, M. D.
Elias Ball, M. D.
J. C. W. Mc'Donald, M. D.
J. B. Whitridge, M. D.
V. Le Seigneur, M. D.

In reorganizing the Medical College of South Carolina, the Trustees appointed by the Medical Society to superintend this Institution, exercised their best judgement for the interest of the College and the advancement of Medical science ; and in strict accordance with the high and solemn trust reposed in them, they invited applicants from every portion of our country, and selected such as they believed would confer reputation on the Institution, and afford the best assurance of future success. Whatever local feelings might have existed, in relation to *political* subjects, they did not suffer them to bear on an Institution purely scientific ; and hence they did not look to the place of nativity, but the capability and character of the candidates that offered. The period when the former Professors separated themselves from the superintending control of the Medical Society, and placed themselves under the control of another sett of Trustees

*Dr. Bedford also brought with him an extensive and valuable museum in his department.

was so near the opening of the session, that the Trustees had merely time to reorganize the Medical College under the control of the Society, and hence, the number of students who are in attendance this year, are comparatively few—independently of this, the College suffered from erroneous impressions and groundless prejudices.

The Society, the Trustees, and the Faculty, however, are determined to advance firmly and steadily, undismayed by any ungenerous or disingenuous efforts, to weaken or impede their progress. The cause of science and of truth, will be the great lights by which they hope to be guided in their course. The Medical Society is called upon to sustain its reputation, and the rights and dignity of the Medical profession.—Impartial consideration is all that is asked. The members of the Medical Society, with a proud conciousness of the equity of their case, could not stoop to ask the sympathies, nor would they desire to awaken the prejudices or passions of the public. But all they ask is justice, impartial justice, and where can they with more confidence appeal for this, than to their fellow citizens, to whom this exposition is respectfully submitted.

APPENDIX.

NOTE A.

AN ACT to Incorporate the Medical College of South Carolina.

Sec. 1. Be it enacted by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly and by the authority of the same, That a board of trustees be and are hereby established, by the name and style of the Board of Trustees of the Medical College of South Carolina, who are hereby declared to be a corporate body, by the style and title of the President, Trustees and Faculty of the Medical College of South Carolina.

Sec. 2. And be it further enacted by the authority aforesaid, That the said board shall consist of thirteen members, whereof six shall be elected by the Medical Society of South Carolina, who shall be members of the medical profession and shall also have been members of the said society for a period of not less than ten years; six members of the said board shall be nominated by the Governor of the State, and the President of the Medical Society aforesaid, for the time being, shall be ex officio, a member and President of the board of trustees.

Sec. 3. And be it further enacted, That when any vacancy shall occur among the members of the said board, nominated by the medical society, the same shall be filled by the said society, and any vacancy among the members nominated by the Governor shall be filled by that portion of the board of trustees.

Sec. 4. And be it further enacted, That the said Medical College shall, by its said name, have perpetual succession of officers and members, with a common seal, and the said board of trustees shall have power to make all lawful and proper rules and

by-laws for the government and regulation of themselves, and of the said college; provided that those which effect the college shall be subject to a concurrent vote of the faculty and of the trustees; and the said corporation is declared capable of receiving and holding real and personal estate, whether acquired by gift, devise, bequest, or purchase, for the purposes and benefit of the said College.

Sec. 5. And be it further enacted, That whenever a vacancy shall occur in the faculty of the college the said trustees shall have power to elect to the vacant professorship; and that the said trustees shall have power, on the application of the faculty of the Medical College, to establish such, other or assistant professorships as may be recommended by the faculty and approved by the board.

Sec. 6. And be it further enacted, That the said Trustees shall have power to confer medical degrees on such persons as may have attended lectures in the college—and may be recommended by the faculty, and on such other persons as they may propose; and also that all the rights, powers and duties heretofore conferred upon or required of the medical society in relation to the medical college shall be transferred to and vested in the said corporation, subject to the provisions of this act.

Sec. 7. And lastly be it enacted, That this shall be deemed a public act, and that the same need not be pleaded, but may be given in evidence under the general issue.

In the Senate House the seventeenth day of December, in the year of our Lord one thousand eight hundred anu thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

HENRY DEAS, President of the Senate.

H. L. PINCKNEY, Speaker of the House of Representatives.

NOTE B.

THE STATE OF SO. CA. *vs* A. HEYWARD, et al } In the Appeal Court, February Term, 1832, O'NEAL, Judge.

The Medical Society of South-Carolina was incorporated in the year 1794. In 1817, by the act to regulate the licensing of Physicians, and for other purposes therein mentioned, they were constituted a Board of Physicians at Charleston, to examine and license applicants to practise Physic and Surgery; and also to license Apothecaries to vend Medicine. In 1823, the Medical Society was, by an act of the Legislature of that year, authorized to organize a Medical School at their own expense, to consist of such Professorships as they may deem expedient, and to confer

Medical Degrees upon such candidates as may qualify themselves therefor, under the regulations which they may establish. In 1824, the Medical Society elected Professors; and they undertook to be at all the expenses of the institution; the Honorary Members of the Society were constituted a Board of Trustees; and rules and regulations for the government of the School were adopted. The Trustees and Professors applied to, and obtained from the City Council of Charleston, the use of a part of the Poor House square, for the purpose of erecting the Lecture Rooms, of the Professors. In 1825, the Faculty of the College, (as the Professors are to be henceforward to be called) applied to and obtained from the City Council an appropriation of fifteen thousand dollars; and a lot of land for the purpose of enabling them to erect a more suitable and convenient building for the school, upon the conditions that they should lay out the said sum in erecting a building for the College, on the lot connected with the Marine Hospital, that the building should be kept in good repair, while they use it, and that they should supply the Poor House and Marine Hospital with medical attendance for twenty years, and that at the end of this time, the City Council should be at liberty to make such order and require such conditions for the further use of the said building as to them shall seem meet. The Professors, as individuals, according to the Resolution of the Council, gave their bond for the performance of these conditions. In December of this year the Legislature made an appropriation of ten thousand dollars for the Medical College, to be drawn by and placed at the disposal of the Faculty, for the completion of their buildings, and the purchase of apparatus necessary and proper for such an Institution. In 1830 a further application of seven thousand dollars was made for the Medical College, to be paid to the Order of the Faculty of the College. In 1831 the Legislature passed an Act to incorporate the Medical College by the name and style of the President, Trustees and Faculty of the Medical College of South Carolina. The Act directs that the board shall consist of thirteen members; six to be elected by the Medical Society of South Carolina, and six to be appointed by the Governor; the President of the Medical Society for the time being, to be ex-officio a member, and President of the Board. The power of conferring Medical Degrees, is given to the Trustees; and "all the rights, powers and duties heretofore conferred upon or required of the Medical Society, in relation to the Medical College, are transferred to and vested" in the said corporation created by this act. The Medical Society *refused to elect the Trus-*

tees, whom they were authorized to elect by the act; or in any wise to acquiesce in it. The Governor nominated as Trustees, N. Heyward, S. Prioleau, B. F. Dunkin, H. L. Pinckney, C. J. Colcock, and R. J. Turnbull, who, with the Faculty, have exercised all the rights, privileges, and immunities, which is by the act conferred on the corporation created by it. The Medical Society applied to Mr. Justice Bay for a Quo Warranto, who refused the application, and a motion is now made to reverse his decision. The only question necessary to be considered, is, whether the Act of the General Assembly, to incorporate the Medical College of South Carolina, passed on the 17th day of December, 1831, is constitutional.

It is to be regretted by every citizen of the State, that the prosperity of so admirable and beneficial an institution as the Medical College, should be in any degree endangered by the contest which has prevailed for some time between the Faculty and the Medical Society. It is a subject of pride to every Carolinian, that such an institution has so soon grown up, and reached to mature usefulness. It is peculiarly honorable to the able, talented, and persevering members of the Faculty, that they have furnished a medical education at home, to the young and rising generation, equal to any which is to be found in older and better endowed seminaries. With feelings common to every citizen who will look to the considerations which I have stated, we have been called on to decide a question, which we are aware may injure an institution so worthy of being cherished. It is, however, not only in relation to the college, a delicate question, but we feel that it is so in another point of view. The constitutionality or unconstitutionality of an Act of the Legislature, is at all times a grave and serious question—for the Law Makers, as well as the Judiciary, are in some degree the keepers of the constitution. They, as well as we, are bound by the most solemn of all sanctions, to preserve, protect and defend it; and we are well aware that they are not disposed deliberately to trench upon it. It does however happen, and always will happen, that looking only to utility, the question of constitutional law may be (as we presume it was on this occasion) entirely overlooked in legislation.

As was well observed in the argument of the Counsel for the Respondents, no Act of the Legislature ought to be pronounced unconstitutional by the Judiciary, unless it be clear beyond all doubt that it is so. When, however, this is the case, I know no duty more sacredly enjoined upon us, and none more firmly and unhesitatingly to be performed, than to interpose ourselves be-

tween the Legislature and the Constitution. In doing so, no Legislature of this state, ever has supposed or ever will suppose, that the Judiciary desire to take so responsible a situation, from any other motive than a conviction that it is a paramount duty to do so.

The constitutionality of the act depends upon the inquiry, whether the Medical College is to be regarded as a part of the chartered rights of the Medical Society of South Carolina. If it is so, then it follows that it is a private institution, founded by a private corporation, and liable only to be visited by it, and governed by the Laws which it has thought, and may think, proper to ordain for it. The correct solution of this inquiry must depend upon the Acts of the Legislature, in relation to the Medical Society and the Medical College, and the facts which have been already stated in the history of this case; and from them I shall proceed, in the first place, to deduce the conclusion, that the Medical College is a private institution, founded by the Medical Society; and afterwards to shew the legal effect of this conclusion as to the constitutionality of the Act to incorporate the Medical College of South Carolina.

By the Act incorporating the Medical Society, 3d Brev'd. Dig. Tit. 13, sec. 95, p. 167, they are authorized to purchase and hold real Estate, the annual income of which shall not exceed £300 sterling. This provision has been noticed not so much from any effect it has had on our minds in coming to the conclusion which we have made, as from a desire to meet, as far as we can, every view which was taken in favor of the respondents. It is true, this limitation would prevent them from acquiring real estate beyond their annual income; but it does not therefore follow, that they might not be the *legal owners of the College Lot and Buildings, for twenty years.* For what is annual income; it is that sum, which (when derived from property,) the owner annually receives from the use of it. If he leases a House and Land to one, to be used in educating the poor, or to receive and educate students for a certain reward, to be paid to the occupant, it cannot be said that the owner derives any income from this source. The public benefit is his only reward. Neither is there any certain separate income derived from the estate even to the occupant; the teacher may make his vocation in that place valuable to him; still the income is derived from his instruction, and not from the house and land. This is the case with the Charleston Medical College building and lot; they are devoted by the owner, whoever it may be, to medical instruction, and from them no income is

derived. *To the Professors, their lectures delivered in the College building, are, as they* should be, a source of annual income; it is the just reward paid to them by the students, for the communication of that science and learning which is so honorable to them, and useful to the state.

"The Preamble to the Act of 1823, p. 74 75, recites:—Whereas, the Medical Society have taken measures for the establishment of a Medical School, to be conducted by persons chosen by them and at their own expense, and have petitioned for the power to confer degrees." Although I am not disposed to attach any great importance to Preambles of the Acts of our Legislature, for they are generally prepared before the bills are matured, and are often allowed to pass without any critical examination, whether they are calculated to shed any light on the intention of the Legislature, and on these accounts have been latterly altogether rejected by the Legislature, yet when they undertake to set out the grounds upon which the Legislature have thought proper to act, and these are found to be consistent with the enactment, they constitute a pretty sure guide as to the intention of the Law, and must have legal effect in giving construction to it.

It is manifest from the Preamble, which is in perfect accordance with the enactment, that the Legislature did not intend to establish a public corporation, of which they were to be regarded as the founders; it recites that "The Medical Society have taken measures for the establishment of a Medical School." This is the same recitation which would have been made, with the variation of the name, if any citizen had established, or was about to establish the School, and had applied for an Act to enable him to carry his project into complete effect. It shews conclusively that the Medical Society, and not the State, was the founder. It is "to be conducted by persons chosen by them, (the Medical Society,) and at their own expense." The Legislature in this shew their sense, that the institution was to be established by private enterprize and not by the liberality of the State, and was therefore to be beyond their control. The powers of appointment and removal are generally the same, at least in one sense, they must be derived from one source, if exercised by different agents. The Legislature do not pretend that they are to confer the right to appoint; it is "to be conducted by persons," selected or to be selected by the Medical Society, as their agents and not the agents of the State. The persons to conduct the school are here recognised as the appointees of a private corporation, and of course responsible to it alone. But it is supposed that the

words, "at their own expense," refer to the persons by whom the school was to be conducted, and not to the Medical Society.— This, so far as regards the question between the State and the Medical Society, whether the Medical College is a public or private Corporation is wholly unimportant; but upon another branch of the case, by whom is the College to be regarded as founded? by the Society or the Professors? it may be important, and it is better now to give a construction to these words. The evident sense and meaning of the words, apply them to the Medical Society. If the words "to be conducted by persons chosen by them" were included, as they ought to be, in a parenthesis, then there would be no reason for any grammatical doubt about the application of the words "at their own expense;" they would then clearly refer to the Medical Society as the antecedent of the word "their." But on reaching the preamble in reference to the facts, which has been exhibited to us, there can be no doubt about the application of the words. It appears from the extract from a journal of the Medical Society of the 2d of Feb. 1824, that they understood the words "at their own expense," to mean at the expense of the Society. The professors were not then appointed, and the Society referred the subject of establishing the School, to a Committee, who reported, that "The funds of the Society it is too well known, are not in a condition to allow of extending any considerable pecuniary patronage to the proposed Seminary, without exhibiting a degree of generosity inconsistent with prudence. Yet your Committee are satisfied that this serious obstacle is by no means insurmountable. They are confident your Professors elect will take upon themselves the burden of the expenses of the establishment. They cannot believe that there is among us a single individual, who, if chosen from the rest for the fulfilment of so desirable an object, would not freely contribute his share of the necessary expenditures. Your Committee have therefore left this subject altogether for the determination of the Lecturers or Professors, whom you may hereafter appoint." This report was adopted, and constituted the foundation of the College. It shows how the words "at their own expense," were understood by the Society, including the Professors, who were afterwards chosen from the members of the Society. Independent however, of this contemporaneous construction of the words by the very parties now before the Court, the same construction will be obtained by referring to the persons who were in being at the time the act of 1823 was passed, and who must therefore be regarded as alone within the intendment of the Legislature. The profes-

sors of the Medical College were not then appointed, and were not therefore legally being and existing. Of persons not yet in legal existence, and whose will could not be known, it is impossible that the Legislature could have intended to say that they had undertaken to establish and conduct the School, "at their own expense." Of the Medical Society the Legislature might very well infer that such was their undertaking. For they had set out in their petition that they had taken measures to establish the School, and had only asked for the power to confer degrees. It was from this statement and request fairly to be inferred that by their own means the School would go into operation, and all that they needed was that they might have a legal sanction to confer its Academic privileges upon the Students.

The preamble recites that the Medical Society "have petitioned for the power to confer Degrees;" this was asking, in other words, that they might be made a Medical College; and if the State with this matter thus brought distinctly to her view, thought proper to make the grant reserving no control over them to herself, how can it be pretended that she has afterwards any right to interfere with her arrangement, or to deprive her grantee of its privileges but for a violation of its implied condition by Misuser or Non User, to be ascertained by the law of the land, as administered by the Courts of Justice. After stating further in the preamble that it is the duty of an enlightened Government to aid the advancement of Science, the Legislature enacts that "the Medical Society of South Carolina shall be and they are hereby authorised to organise a Medical School to consist of such professorships as they may deem expedient, and to confer Medical Degrees upon such candidates as may qualify themselves therefore under the regulations which they may establish." The act thus confers upon the Medical Society, First, the power to organize the school; Second, the power to establish as many Professorships as they may deem expedient; Third, the power to confer Medical Degrees; and Fourth, the power to make the laws necessary for the government of the school. These four powers, it seems to me, were all which the state had to confer, and having granted them, that nothing remained but that she should see that they were legally exercised by her grantee.

It is generally true that he who furnishes the means in land or money, whereby a charity is created, is legally the founder, and as incident thereto has the right "to inspect, regulate, control and direct it." But to constitute a legal founder, I am not satisfied that it is in all cases indispensable, that he should furnish any pe-

cuniary aid. If the State or a Corporation establish a College, and appoint professors with fees for instruction, and one person afterwards furnishes land on which a building is put up, and another the money to erect the buildings, and to purchase the necessary apparatus ; and the State, or the Corporation, has the power of removing the professors, and of making laws for the whole institution, does it not follow that the State or the Corporation is the founder, and not the donors. The powers incident to a foundation belong to the State or the Corporation, and when they are acknowledged, we may as legitimately deduce from them the cause, as we could from it the effect. The donation is in trust, it is there for the purposes of the institution, and cannot be otherwise applied ; but it is not the creation of the College, and it is this which makes a foundation. The institution has existence, and the donation only makes it more generally useful. But this part of the case is perhaps unimportant, for I do not understand that either the State or the City Council claim to be founders on account of their respective appropriations. It is contended that the Professors are the founders, and that the Medical College is to be regarded as distinct from the Medical Society.

The Professors themselves were created by the Medical Society ; it is by their appointment that they deliver lectures, and receive fees. They accepted their appointments upon the express condition, that they should bear the burden of the expenses of the establishment. They became therefore the agents of the Society, not only to deliver the lectures, but also to endow the Medical College. The first act which was done in giving effect to the establisment of the College, was the procuring the use of a part of the Poor House lot, for the purpose of erecting the Lecture Rooms of the Professors. This was the joint act of the Trustees and Professors appointed by the Medical Society, and this it cannot be pretended was a foundation by the Faculty alone. It was the act of the Society, for it was done by all of their agents, constituted to manage the School. All the subsequent donations were made by the City Council, or the State, at the instance of the Professors, as Professors, the Faculty of the Medical College, or were made by the Professors themselves. To say that they could do any act in that character, which would enable them to say, we are independent of the very power which gave it to us, which enacts laws for our government, and which we have accepted, and to which we have consented to be amenable, is to my mind a strange proposition. It would be making the created

equal to the creator. As individuals, they might have been the founders; but as the Lecturers or Professors of the Medical Society, under both the express and implied terms of their appointment, whatever they did was under the charter already granted to the Medical Society, to organize the Medical School, and to give it effect. When done, and the School went into operation, it was the Medical School or College of the Medical Society. In obtaining the appropriation from the City Council, of Fifteen Thousand Dollars, the Professors as individuals gave their bonds for the performance of the conditions annexed by the Council to the appropriation, and this might have given some plausibility to to their claim to be regarded as the founders, had it not been that their application was in their derivative character as the Faculty of the Medical School; an Institution already in existence, and not one which was to be established; the appropriation was made to them in that character, and the execution of bonds as individuals was required by the City Council as affording a better security than any which they could execute in a corporate capacity. This is clearly not a new foundation, but is in aid of that which had already been made. Whatever acts the Faculty did in obtaining this or any other endowment, is not only binding on themselves, but also on their principal, the Medical Society. By the first article of the rules and regulations of the Medical College of South Carolina, it is provided that the Faculty of the College shall consist of seven Professors, who shall be elected by the Society by ballot, and who shall deliver Lectures on the following subjects, viz: Anatomy, Surgery, Materia Medica, Institutes and Practice of Physic, Obstetrics, and Diseases of Women and Infants, Chemistry, and Pharmacy, and Natural History and Botany. The Lectures shall be delivered during the months of November, December, January, February and March, liable to such particular regulations as regards the frequency and number of Lectures of each Professor, as shall be adopted by the Faculty, subject to the revision of the Medical Society. If any Professor elected by the Society shall fail or neglect to prepare a sufficent course of Lectures by the time appointed for the commencement of the operations of the School, his Chair shall be declared vacant, and the Society shall proceed to another election."

This shows that the Faculty were made perfectly dependent on the Society, not only for their election, but also in relation to the discharge of their duties. They became officers of the Medical Society, charged with the care of a particular department; and out of the discharge of their duties could not grow a totally

distinct body or corporation. But they were not even left to their own enterprize and skill, in the organization and management of the school. The second article provides that the Honorary members of this Society shall be a Board of Trustees, "to watch over and promote the best interests of the Institution, to aid and assist the Faculty with their countenance and advise in the government of the school, and in the furtherance of the objects which it is intended to accomplish." It also directs that at a special meeting on the first Monday in April, the Medical Society "shall receive an annual report of the proceedings of the Faculty through their Dean," particularly designating the subjects upon which it shall communicate information. It would seem from these two provisions, that the Medical College was regarded by the Medical Society, and the Faculty as an institution belonging to the former, and entirely subject to their parental care and control. To argue, after having become Professors under such rules, that the College was not a part of the Medical Society, deriving existence from them, and subject to their Government, would seem to imply that the agent might at any time set up for himself and deny the authority of his principal over the subject committed to his care; such a course might be sometimes useful to the agent; but it could never be tolerated by the principal or allowed by the law.

The power to confer Degrees by the act of 1823, is conferred distinctly upon the Medical Society in the Medical School or College by them to be organized. As I have before said, this made them the Medical College, the professors are their instructors, and in that character become a part of it; but independent of the Society they had no power of conferring Degrees. This power the Medical Society have never parted with, and they still have the right to its exercise. In the fourth article, after making some regulations in relation to character, previous study, and a written dissertation to be prepared by each Student, it is provided, "at the end of his second course each candidate shall be entitled to a private examination before the faculty, and if approved by them he shall appear before the Society at their meeting on the first Monday in April, at which time and place he shall defend his dissertation or thesis. The opinion of the Society respecting the fitness or unfitness of each Candidate shall be expressed in the usual form, of balloting, a majority of two thirds of the members present in his favor shall be necessary to entitle him to his degree. At a public meeting of the Society to be held the next day, or as soon thereafter as may be convenient, and to which the Literary

and professional Gentlemen of the community shall be especially invited, the Candidates who have passed their examination, shall be introduced and receive their respective diplomas from the hands of the President of the Society, who shall at the same time deliver a suitable address. In order to shew on the part of the Society a marked encouragement for classical attainments, a premium of seventy dollars in money or books, shall be annually offered for the best Latin or Greek Thesis or Dissertation." The fifth article directs that a Candidate for a Medical Degree having met the approbation of the faculty of the Medical College of S. Carolina, shall defend his Thesis before the Medical Society, and this shall be the final examination." Every one of these provisions show that the Medical Society was the legal head, or patron of the Medical College, and that without their assent none of its honors or privileges could be granted. The State had no right to resume this grant at pleasure ; it is a privilege conferred on a private corporation, and not a duty required to be done by it—the examination and licencing of Physicians and Apothecaries by the Medical Society as a board of Physicians, under the Act of 1817, was a duty to the community to be performed by them ; for this purpose they were the State's agents, and the State could at any time end the agency by repealing the law, or revoke and commit the agency to others.

But it is said notwithstanding all these views still the faculty of the Medical College must be regarded as a distinct corporation on account of the appropriations, made by the Act of 1825 and 1830. I have no doubt that if a body of men, not entitled to a legal name as a body politic and corporate, should be described in an Act of the Legislature by a name and style, that this would emphatically give them such a legal right to the name and style, as would at least legally entitle them to the benefit of the Act. But I do not think this can benefit the faculty. The appropriations were for the "Medical College," and to be drawn by or paid to the order of the faculty. The acts themselves obviously make a distinction between the College and the faculty of the College. They are supposed to be two different bodies known to the law. What was, at the time the Acts making the appropriations were passed, the Medical College? It then consisted of the Medical Society, the Trustees and the Faculty; for these were the different parts of the body according to its organization —in the rules and regulations no one of these was the college; although if the Society had pleased in the organization of the School, they might have directed the several members in rotation

to have discharged the duties of the professorships, and thus have dispensed with permanent professors altogether. So too they might have performed themselves the duties of the Trustees, and thus have continued as they were in the first instance, the Medical College. For I am satisfied that the power to confer Degrees made them legally a Medical College. If the College at the time the Acts were passed was the Society, the Trustees and Faculty, then the appropriation was for a body in legal existence, and having a legal name, and did not set up a new Corporation. The result of the examination is that the Medical Society, under its charter as extended by the Act of 1823, founded the Medical College, that all endowments, whether made by the professors, the City Council or the State, must be regarded as made in aid of the original foundation. It is therefore a private institution, founded by a private Corporation, unless its object, public instruction, should make it a public one. The divisions of Corporations into public and private, will be more simply and easily understood as political and private; whatever belongs to the public or people composing a government; or is instituted for the good government of any part of the people, is a public or political Corporation, private Corporations are such as are instituted for the benefit of certain persons as individuals, or for the purpose of applying private funds or enterprize and skill to the public good. "Public Corporations are such as exist for public political purposes only, such as counties, cities, towns and villages; they are founded by the Government for public purposes, and the interest in them belongs to the public. But if the foundation be private, the corporation is private, however extensive the uses may be to which it is devoted, by the founder on the nature of the intention. A Bank created by the Government for its own uses, and when the Stock is exclusively owned by the government, is a public Corporation." "A hospital founded by a private benefactor, is, in point of law, a private corporation, though dedicated by its charter to general charity. A College founded and endowed in the same manner, is a private charity, though from its general and beneficent objects, it may acquire the character of a public institution." "To hold a corporation to be public, because the charity was public, would be to confound the popular with the strictly legal sense of terms, and jar with the whole current of decisions since the time of Lord Coke." 2d Kent's Com. 222-3. In Philips vs. Berry, 2d Term. Rep. 352, Lord Holt, speaking of Public Corporations, said, that "those that are for the public government of a town, city, mystery or the like, being for public ad-

vantage, are to be guided according to the Laws of the Land."—"But private and particular Corporations for charity founded and endowed by private persons are subject to the private government of those who enacted them." It is clear from these Authorities, that the object of the Medical College does not make it a public or political corporation, and that as a private corporation, it is subject to the government of the Medical Society who erected it.

Having arrived at the conclusion, that the Medical College is a private corporation, or to speak more properly is part of a private corporation, the Medical Society, it now remains to be seen what is the legal effect of this conclusion upon the constitutionality of the Act of 1831, incorporating the Medical College.

The Act of 1832, is a contract between the State and the Medical Society, whereby the State, in consideration of the establishment of the Medical School by them, conferred upon the Medical Society the powers to organize the School, to establish the professorships, to confer Medical Degrees, and to make all laws necessary for its government. The Act of 1831, transferring all these powers to the new corporation, is a plain violation of the contract. Under the 10th sec. of the 1st Article of the Constitution of the U. States, each State is prohibited from passing any law impairing the obligation of contracts. By the Constitution of this State, the people have prohibited the Legislature from ever passing any such law. This prohibition of the Constitution of the United States, and of this State, applies in as much, if not more force to a contract made by the State with an individual or corporation, as it does to a contract between citizen and citizen. Dartmouth College vs. Woodward 4, Wheat. 318. The Act regarded even as the grant of a franchise, is still as much a contract binding on the State, as the grant of a tract of land by an Act of the Legislature would be, and this according to the case of Fletcher and Peck, cannot be annulled by the same or a subsequent Legislature.

But in another point of view I think the unconstitutionality of the Act of 1831 is too apparent to be doubted; after having arrived at the conclusion that it is in derogation of the right of a private corporation.

The English Parliament is the supreme authority of Great Britain, and according to Blackstone, whatever it does, "no authority upon earth can undo." 1st Bl. Com. 161. This supreme uncontrolable power is derived from the supposition that the King, Lords and Commons are the Estates and the people of the realm, and from the government thus constituted, all power and authori-

ty to the other departments emanates. But in this State the government is strictly representative of the people and all the powers exercised by any of its department is derivative from them under their constitution. The three different departments, the executive, legislative, and judicial, are co-ordinate, neither has any superior, in its particular sphere of action, save the will of the people, the constitution, to which, as the source from each derives the power it exercises, obedience is due. If either transcends the department to which the people have assigned it, or exercises a power not granted to it, or which is prohibited to be exercised, the act is void, and has no effect; for it was done without the authority of the people, and without this no department of our government can act. The legislative authority of this State is vested in a general assembly, "consisting of a Senate and House of Representatives. 1 sec. 1st Art of the Con. of So. Ca. so far, the making of laws, which is to regulate the people of the State, considered as members of a civil community; or the granting by the State as a sovereign power as of any of her property, officers, franchises, privileges or immunities, the legislature have the right to act as they please, if they conform to the forms and requisites of the constitution. But if they undertake to exercise either executive or judicial power, it is an usurpation of the rights of the people, which they have confided to another department, and which, however unwelcome an office it may be, it becomes the duty of the judiciary, as the Representative of the people, to resist and control.

An act of the legislature which takes from one man his property rights, and gives it or them to another on a claim of right is the exercise of judical power, which is "vested in such superior and inferior Courts of Law and Equity as the Legislature, have from time to time directed and established, (1st sec. 3d Act of the Con. of So. Ca.) and is therefore prohibited by the people from being exercised by the legislature. So too to divest a corporation of any of its rights, privileges or immunities, is the exercise of judicial power; and the more especially as in the case before us, where the question is whether the legislature have before granted the rights, privileges and immunities which they now claim the right to confer on another corporation. If these have not before been granted to another corporation, the act now granting them for the first time, trenches upon no vested rights and cannot be questioned. But if they have before been granted, nothing remains in the State to be granted, and she cannot resume her grant, or

transfer it to another, until a forfeiture of the grant is judicially ascertained and established.

In England the creation of a corporation is within the King's prerogative, but still as an incident to supreme power, the Parliament may exercise, and have exercised the right of incorporation. (1 Bl. Com. 472, 3, 4.) I am not disposed to say that the power of creating a corporation as a part of the King's prerogative, belongs to the Legislature; for I regard the whole doctrine of prerogative rights as utterly inapplicable to the simplicity of Republican Governments. The right to grant a corporate franchise, belongs to the Legislative power, as being in this respect the entire representative of the sovereignty of the people. Yet notwithstanding it is thus rightfully to be regarded as falling within the grant of legislative power, it cannot be exercised as in general legislation, to enact and repeal at pleasure. In one sense an act of incorporation is law, but in another, it is only a grant by the whole people of certain powers, rights, privileges and immunities, to a part of the people. It is law, in as much as it constitutes a rule of action, by which the corporators, and all the community are to be governed in the relation to the body politic and corporate. But between the State and the corporators, it is like a grant of certain powers, rights, privileges and immunities, which by the act of incorporation pass out of the State and are vested in the corporation; and can only be forfeited by a breach of the implied condition on which the grant is made, misuser or non-user, "in which case the law judges that the body politic has broken the condition on which it was incorporated, and thereupon the incorporation is void." 1st Bl. Com. 485.

The 2d sec. of the 9th Act of the Con. of So. Ca. provides that "no freeman of this State shall be taken, or imprisoned, or dessiessed of his freehold, liberties, or privileges, or outlawed or exiled but by the judgment of his Peers or by the law of the land. Nor shall any Bill of attainder, expost facto law, or law impairing the obligations of contracts ever be passed by the Legislature of this State."

A body politic and corporate is not, it is true, a freeman, within the words of this section, yet it is composed of freemen, who are entitled to all the privileges conferred upon them by the act of incorporation, and of these they cannot be desseissed but by the judgments of their Peers or by the law of the land. And of course the corporation can only be forfeited or deprived of any of its privileges in the same way.

Judge Kent, in the 2d volume of commentaries, at page 244, thus sums upon the doctrine of visiting corporations. "The better opinion seems however to be that any corporation chargeable with trusts may be inspected and controlled, and held accountable in Chancery for an abuse of such trusts. With that exception the rules seems to be that of all corporations are ameneable to the Courts of law; and there only according to the cause of the common law for non-user or misuser of their franchises."

It would hence seem that both by the constitution and the common law, a corporation can only be deprived of its powers, rights, privileges and immunities, by a judgment of forfeiture, obtained according to the law of the land. By this I understand a trial had and judgment pronounced in the Court of law of this State.

From these views, we are constrained to pronounce and declare the Acts of the General Assembly to incorporate the Medical College of South-Carolina, passed on the 17th December, 1831, unconstitutional.

The motion to reverse the Decision of the Judge below is granted; and leave is given to the relators to file the information in the nature of a quo warranto. (3 Bl. Com. 264.)

"Signed," JOHN B. O'NEALL.
"I concur," DAVID JOHNSON.

Filed 5th July, 1832.

THE STATE OF SOUTH-CAROLINA,
Office of the Clerk of Court of Appeals.

I, Thomas J Gantt, Clerk of the Court of Appeals, in the State aforesaid, do hereby certify that the above opinion is a true copy from the original opinion pronounced in said case, and filed on Record in this Office. Given under my hand and the Seal of the Court of Equity (there being as yet, no Seal for the Appellate Court) at Charleston, this eleventh day of July, Anno Domini, 1832.

THOMAS J. GANTT, C. C. A.

NOTE C.

AN ACT to incorporate the Medical College of South Carolina.

Sec. 1. Be it enacted by the Senate and House of Representatives, That a Board of Trustees and Professors be and are hereby established and declared to be a corporate body, under the style and title of the President, Trustees and Faculty of the Medical College of the State of South Carolina.

Sec. 2. And be it further enacted, That the said Board of Trustees shall consist of eleven members, viz : Nathaniel Heyward, C J. Colcock, Henry L. Pinckney, Robert J. Turnbull, Samuel Prioleau, Elias Horry, Wm. Drayton, Jacob Ford, H. A. Desassure, Jasper Adams and Mitchel King, Esquires, who shall elect a President from among themselves.

Sec. 3. And be it further enacted, That when a vacancy shall occur among the members of the said Board of Trustees, such vacancy or vacancies shall be filled by the remaining members of the Board.

Sec. 4. And be it further enacted, That the Faculty shall consist of J. Edwards Holbrook, Samuel Henry Dickson, Thos. G. Prioleau, Edmund Ravenel, Henry R. Frost and John Wagner, Professors.

Sec. 5. And be it further enacted, That the said Board of Trustees and Faculty shall have perpetual succession of officers and members, with a common seal; shall have power to make all lawful and proper rules and bye-laws, for the government and regulation of themselves and of the said College; and that the said corporation is declared capable of receiving and holding real and personal estate not exceeding sixty thousand dollars, whether acquired by gift, devise, bequest or purchase, for the benefit of the said College.

Sec. 6. And be it further enacted, That whenever any vacancy shall occur in the Faculty of the said College, the said Board of Trustees and Faculty shall have power to elect to the vacant Professorship, and also to establish such other or assistant Professorships, under such regulations as they may deem essential to the interests of the said College, and to remove any Professor or Professors for incapacity or misconduct.

Sec. 7. And be it further enacted, That the said Board of Trustees and Faculty shall have power to confer medical degrees with license to practice Medicine and Surgery, on such persons as may have attended Lectures in the said College, and may be recommended by the Faculty, and on such other persons as they may propose.

Sec. 8. And be it further enacted, That this shall be deemed a public Act, that the same need not be pleaded, but may be given in evidence under the general issue.

Sec. 9. And be it further enacted by the authority aforesaid, That this Act shall be and continue of force for the term of twenty-one years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

HENRY DEAS, President of the Senate.

H. L. PINCKNEY, Speaker of the House of Representatives.

NOTE D.

JUDGES' CHAMBERS,

CHARLESTON, JULY 5, 1833.

The STATE
vs.
ADAM SENFT and
Dr. THOS. G. PRIOLEAU.

} Motion for a Rule to shew cause why a Writ of Centiorari should not issue, to remove the Inquisition found in this case by the Magistrates and Freeholders into the Court of Sessions.

The Inquisition in this case, finds that the Medical Society of South Carolina, was lawfully and peacefully possessed of an Estate for years, of, in and to the Lot and Land and Buildings thereon, situated in Queen-street, in the City of Charleston, called and known by the name of the Medical College, on the——day of April, in the year of Our Lord One Thousand Eight Hundred and Thirty-Three, when Adam Senft, and Thomas G. Prioleau, and other persons unknown, on the said———day of April, in the year of Our Lord aforesaid with strong hand and with force of arms, entered into the said house, called the Medical College, and expelled, ejected and amoved the said Medical Society of South Carolina thereof—and the said Medical Society so expelled, ejected and amoved of the said house and buildings, called the Medical College, on the said———day of April last past, until the day of taking the said Inquisition, with main force and power, withheld, and now do withhold in great disturbance of the peace of the State, and against the force of the statues in such case made and provided; as by the said Inquisition duly returned by the two Magistrates who held the Inquisition, and the Twelve Freeholders, who found the said Inquisition, may more fully appear.

When this Inquisition was retured and filed.

Mr. Frost, as Counsel for the Faculty and Trustees, the relators in this case, moved for the writ of Certiorari to issue forthwith, in order to remove the case into the Court of Sessions, on the ground that it was the proper and appropriate remedy for removing all proceedings from Inferior Tribunals to the Superior Courts of Justice.

He contended that in England, the King, by virtue of his royal prerogative, had a right to this writ in all cases where he was concerned; *as a writ of right*, he had a right to remove all cases from the inferior tribunals into the *King's Bench*, where the crown is concerned, but admitted that in some cases between his subjects it may be refused—and for that purpose, quoted and relied on I. Chitty, page 379 old ed. 259new edition. It may be moved for to obtain a new trial in the King's Bench, which an inferior Court cannot grant. This writ lies against Justices of the Peace, in cases where they are empowered finally to hear and determine.

Nothing, he contended, could take away this power from the Court of King's Bench, but the express provisions of a statute. In all cases where a new jurisdiction is created, the operation of the Court immediately applies. He quoted 1 Bac. 561, where it is laid down that this writ may be granted in all cases,unless exempted by an act of Parliament; 2 Hawk., Lib. 2, chap. 3, sec. 6, to same point.

In 2 Cain's, 197, it lies to the Court of Common Pleas, although that court has a right finally, to hear and determine. Again, a Certiorari lies in all cases where there is no appeal—and it is a good ground that there is no appeal to afford this writ; and it lies as well after conviction as before it. Salk. 146, 149. When an indictment is found, is the proper time to apply for it.

In 6th Johnson, 334, it is said, that the granting a Certiorari is as much a matter of right, as a Habeas Corpus. And in order to shew that it was a matter of right in this State, the case of Mary Huntingdon was quoted and relied on, as a case carried up to the court of Sessions, on the writ of Cirtiorari, 1 Tread. 325.

On the 6th of July, Col. Cross was heard in reply to Mr. Frost. He contended against the motion, that the relators were too late in applying for this writ. It should have been moved for, by the rules of the law, before the Jury was sworn; all the cases in the books he urged, where this writ had been allowed, were before the Jury was sworn.

The 43 Elizabeth, is express upon this subject—that no writ shall be allowed, to remove any cause from any inferior court, into the King's Bench, unless moved for before the Jury is sworn to try the cause; and 1 Salk. 144, says it shall not be delivered after the Jury is sworn; and 4 Black. 320, says, it may be moved for at any time before trial; 2 Hawk. 287, it is a good objection against granting a certiorari, that issue is joined below, or after conviction—1 Hawk. 154.

Col. Cross then stated that the Court of Appeals had already determined that the Medical School was a part of the College

of South Carolina, so that it would be of no use to grant this writ, to carry the case up to the Court of Sessions, as it would be carrying the same case up before the same Judges again.

The Magistrates who tried this case were legal characters, of great impartiality and justice—they had no doubts on the merits of this case; and the Jury were also an able, upright and intelligent one, against whom not the smallest misconduct has been alleged.

Col. Cross then took up another strong ground in the cause —*that no good or legal grounds had been urged or alleged, to authorize the issuing of this writ.*

The gentleman who had preceded him on the other side, he said, had admitted that although the King of England, in the midst of his *prerogativa regis*, had a right to this writ, yet, as between subjects, some good reason or cause should be assigned, as between them, before it was granted.

The powers granted to inferior tribunals, are generally given for the speedy administration of justice, and to prevent delay, and where the inferior Judges or persons entrusted with the execution of them, act within the bounds of their jurisdiction, they are entitled to support and confidence, as well as the superior courts.

Hence, the wisdom of the law, in all cases, wherever their proceedings are called in question, requires some good reason to be assigned to authorize such interference.

The act of 1817, creates a new jurisdiction for forcible entries and detainers, and declares that their proceedings shall be final and conclusive; and authorizes the sheriff to give possession, agreeably to the act of 1812, for regulating proceedings between Landlords and Tenants.

Col. Hunt followed Col. Cross, on the same side, on behalf of the Medical Society, and he discarded all the prerogatives of the Crown of Great Britain, as inconsistent with our Republican principles, and insisted that the Constitution of the State of South Carolina and that of the United States, were the foundations of all power in the United States, and in every State of the Union. They gave efficacy and effect to all the laws for the government of the citizens of the country, and that no law was binding which was not authorized by these constitutions.

He admitted that the King of England, as the fountain of all power and justice there, might remove all causes from inferior courts, into his courts, as he pleased, and when he pleased—but no such power, he urged, existed in this State. The constitution declares that the judiciary should consist of such courts and tribunals of justice within this State, as the Legislature should from

time to time establish or ordain. No such power or prerogative, as that exercised by the King of England, ever existed or prevailed in this country; consequently the writ of certiorari as a writ of course, never existed, or was in use in this country, therefore all the authorities quoted on that head, are totally inapplicable.

Forcible entries and detainers here are regulated by the act for landlords and tenants, which are given to the magistrates and freeholders without appeal to any superior tribunal, their proceedings in such cases, are final and conclusive. The cases also between masters and apprentices, are also given to the magistrates, and it has been determined by the court of Appeals, that no appeal lay in such cases, as in Carmand's case. So that in all cases of inferior jurisdictions, where no appeal is expressly given, the law intended that no appeal should be allowed, unless in such cases where great abuses are committed, when they may be quashed, then proceedings are final and conclusive; and the whole drift and design of the present application is to obtain eventually an appeal which would create a delay of Justice till next February, by which means the whole proceedings in the College would be in abeyance till that time, and even at that time, the case would again go back to the same Judges who have already determined, that the act of 1831 was unconstitutional and void, and who doubtless would be of the same opinion they have already pronounced.

Here Col. HUNT produced the opinion of Judge Johnson and Judge O'Neal, in which they declare, that the act to incorporate the Medical College of 1833 was unconstitutional, null and void.

This opinion he contended settled the matter in dispute between the parties, and left them without a foundation to rest upon.

Mr. Randell Hunt followed Col. Hunt, on the part of the relators, and he took up and enlarged upon the same grounds his predecessor had observed on before him. He contended that the common law of England when made of force in this State, only included such parts of it as were applicable to the situation and circumstances of the country. A very large proportion of the prerogatives of the King, and the power which he exercises over his Courts never were applicable in the State of South Carolina; every thing essential here, and indeed the source of all power, is the constitution made by the people themselves, and for their benefit; and all the tribunals of Justice, are made through their Legislature for their advantage, and for the mutual benefit of all—there is no peculiar power vested in the State but for the advantage of its citizens. The King of England may draw to his

Courts by virtue of this writ of Certiorari all the causes in the Kingdom by his royal prerogative, as a matter of right and as a matter of course; but in this country no such writ is grantable but on special cause shewn for granting such writ, for the fair and equal distribution of justice. No such cause has been shewn in this case, it has not even been attempted or suggested. The conduct of the magistrates has been fair and impartial—and that of the jurors upright and independent—then why grant this writ? It must be for the purpose of delay. After the opinion of the Court of Appeals, (that the act of 1831 granting the respondents or faculty, all the powers they claim) is unconstitutional and void.

From the jurisdiction of the magistrates and freeholders in this case, there lies no appeal, their powers are final and conclusive; there is none given by law, and therefore the law will intend that there should be none. To grant this writ in this case therefore would be against the intendment of the law. Carmand's case is conclusive on this point, that where no appeal is given it shall not be granted.

Mr. King, in conclusion for the respondents, the faculty and trustees, contended that all the powers and prerogatives of the crown, are vested in the State of South-Carolina; and that our Court of Sessions, has all the powers of the King's Bench in England. 1. Brevard, 216, act 1721, pub. laws, 128.

The Constitution recognizes the acts of the judiciary as of full force, until altered or repealed. But a large proportion of our writs and proceedings, depends upon the common law, and common usage, and has been devised by the judges in ancient times, as occasion might require.

Thus for instance, there are no acts for issuing prohibitions, mandamus, and many others, yet those writs are in constant use, and justice could not be duly administered without them in a thousand instances. So it is with regard to the writ of Certiorari, issuing out of the King's Bench or Chancery, to remove all proceedings from the inferior Courts to the superior ones, for the more effectual administration of justice.

There are appeals in many cases besides the final appeal to to the Court of Appeals of the highest nature; and this, long after the adoption of our Constitution.

3 Brevard 49, sec. 83, the writ of Certiorari is recognized from the City Court. Grimke's justice 114.

In the case of Mary Huntingdon, a case exactly similar to this, it was removed by the Certiorari.

If the party is deprived of this remedy, in cases of great moment and importance, he will be remediless. The case of Carmand and his apprentice, was a case of special domestic nature, and

required a speedy and specific determination; and therefore no appeal was allowed to the Supreme Court of Appeals.

In the law of 1812, for regulating the trial of cases between landlords and tenants holding over, the words are to be sure, that the proceeding should be final and conclusive; but that ought to be intended to be the facts found by the jury; but as to the law, that is still left open for the supreme tribunal, for the common law is not to be repealed by implication, it must be by an act.

He admitted that the cause for granting this writ, ought to be a good one: and if the respondents can shew sufficient cause, it ought to be granted—*there is no other remedy for obtaining redress*, and that alone is a good cause.

The 43 Elizabeth is confined to civil cases, and not to those of a criminal nature, where the King applies for it, it a matter of course, but where a subject applies for it, grounds must be assigned—2 Durn, and East 86, 4 Burr 2456, 8 Petersdorf, 239, same is laid down. The Court may grant it as well before, as after a conviction, so that the present application is not too late.

OPINION.

I have now gone through the principal cases quoted, and relied upon by the parties on both sides, and it only remains for me to class the different cases and the grounds of the arguments of the different counsel, upon the points submitted, so as to meet the real merits of this important controversy, consistently with the rules of law, and the principles of justice.

As a great deal has been introduced in the argument, about the prerogatives of the crown, and about the rights of the King of England, I shall condense what I have to say on this branch of the subject, within as narrow limits as possible. I admit that the King of England as the fountain of all power in that country, has exercised the right of regulating their Courts of Justice and drawing to their jurisdictions, time out of mind, all such cases as they have by their Judges, thought expedient for the administration of justice among their subjects; and as incidental to that fundamental power, to issue such writs and processes as they might think conducive to that end; and among others, that of issuing writs of Certiorari to all the inferior jurisdictions in the kingdom, to take up to his higher courts of justice, all cases he pleases, so as to keep the whole under their control. But I deny that such a case exists in the State of South Carolina. Such high prerogatives do not exist in this State—all power here is vested in the people, and they by their Constitution, have vested in the different branches of the Government, such powers as they have thought necessary for the protection of the State, its citizens, and their lives and properties; and all our tribunals of justice have been so reg-

ulated, as to distribute equal justice to all. The State possesses no power, but such as is absolutely necessary to the ends of justice—nor the citizens any rights but such as are necessary for protection by violence or injustice. The high prerogatives of the crown, as possessed by the Kings of England, are utterly unknown to, and inconsistent with the republican system in America.

In England the King is entitled to this high prerogative writ of Certiorari as a matter of course, without assigning any cause or ground for it, although as between citizens or subjects, the law, even there, requires that cause should be shewn, before it can be granted, and this distinction is well laid down and defined by some of the best law authorities upon that subject.

In Chitty, page 257, it is laid down, that the writ of Certiorari is demandable of absolute right only by the King himself, and to him the court is bound to grant it, and therefore when applied for by the Attorney General, or other officer of the Crown, either as a prosecutor, or when it is taken up in defence of a party indicted, or on his being an officer of the crown, it must issue as a matter of course, and the court has no discretion. But when the King's name is only made use of by a private prosecutor, a material distinction arises; for though the writ is usually awarded as a matter of course, it is in the power of the Judges to refuse it or quash it; and when applied for on the part of a defendant it is never granted, unless there are strong reasons for removal of the case assigned—a practice which has prevailed since the time of Charles 2d.

In Durn. and East. 89, Buller J. says, the language of the Court has always been, that the King has a right to remove proceedings by Certiorari of course; but where a defendant makes application of this sort, he must lay a ground for it before the Court. Lord Mansfield, he says, has laid down this distinction again and again: that on the part of the Crown, it is a matter of course for the Court to grant it; but on the part of the defendant, it is *not a matter of course.* Now, if it be not a matter of course to grant this writ, it can only be obtained by laying a ground by affidavit, and unless this rule was observed, the consequence would be, that we should have to decide upon every conviction in the kingdom, which would be removed into this Court.

Buller J. on a subsequent day, said that upon a further inquiry into the case, it appeared most clearly that the opinion of the court in the above case was correctly proper. That the rule respecting the laying the ground before the court for granting a Certiorari, had obtained since the days of Charles 2d. In Doug. 554, the King against Whitebread, the Court say, that we are all of opinion in this case, that the Certiorari does not lie; but if it

did, *it must be granted on affidavit to support the application.* A great number of other cases were quoted and relied upon, to the same point, in the course of the argument; but those I have relied on are sufficient to establish the law on this head, beyond all kind of doubt or controversy whatever. Here then I take my stand on this branch of the case and am decidedly of opinion, that unless good and sufficient grounds are stated and supported by affidavits, this court is not warranted in granting this writ. I must in candor, however, admit that formerly during the existence of the county courts, which often ran wild in their judgements and decisions, writs of Certiorari were in use, in order to reach the justice of cases decided in them, but never, I believe without affidavits to support the grounds upon which they were granted. Since the abolition of these courts, this writ has gone into disuse, except in Mary Huntington's case, which passed sub silentio, and without argument or discussion.

But in the case under consideration no ground whatever has been alleged, nor affidavits submitted, to justify the court in granting it; on the contrary it has been demanded as a matter of right, or as a thing of course in the usual current of practice, in our courts of justice. And the wisdom of the law is evident in restraining this writ, and submitting it to the sound discretion of the courts of Justice, before it can be granted; otherwise, all the cases in the inferior tribunals in the State, would be carried up to the court of Sessions, which possesses the same powers here, as with the King's Bench in England, as was well observed by Mr. Justice BULLER. The case relied upon from 6th JOHNSON 334, in which it is said, the granting a certiorari is as much a matter of right as a habeas corpus, appears to me against all the sound and stable principles of the law upon the subject. If there was no other ground in the case, but this one, it would be sufficient alone to justify the court in refusing the present motion.

2ndly. But there is another ground in the case, which renders unavailing every attempt to support the rights of the Faculty and Trustees in this case.

The court of Appeals, the highest tribunal of justice in South Carolina, has, after a very laborious investigation, declared the act of the Legislature, "entitled an act to incorporate the Medical College of South Carolina," passed the 17th Dec. 1831; (under which the faculty or respondents claim all their rights and franchises,) unconstitutional, null and void.

This therefore, without further observations, leaves them without a pivot to stand upon—all their rights and privileges founded on the act, go with it.

I am therefore bound to reject the present motion for the Certiorari, and to leave the magistrates at liberty to proceed, agreeably to law. E. H. BAY.

2

MEMORIAL

OF THE CITY COUNCIL OF CHARLESTON, PRAYING ENACTMENTS TO PREVENT THE ERECTION OF WOODEN BUILDINGS IN THAT CITY.

To the Honorable the Speaker and other Members of the House of Representatives of South-Carolina:

The Memorial of the City Council of Charleston respectfully sheweth—

That the City of Charleston has again been laid waste by one of those desolating conflagrations, which, in the course of its history, has more than once laid it in ruins. Your memorialists having been appointed to watch over the safety of the citizens, have felt themselves bound to seek the cause of so much calamity, and if possible, to remove it. In making their search, they find that on every occasion the extent of the ruin has been attributed to the number of Wooden Buildings existing within our city. The inflammable nature of our wood, and the frequent droughts to which our climate is exposed, increase to an alarming degree our danger from fires, and the result has been just such as might have been anticipated. It is now upwards of a century since this system of wooden structures has been permitted, against the judgment of every other enlightened community, and the declared opinion of the General Assembly of our own State. As far back as 1713, wooden buildings were prohibited in Charleston; but yielding to the clamor of the day, the General Assembly abandoned the policy dictated by their own good sense; and the consequence has been, that disaster has succeeded disaster, until at last a fatal calamity has satisfied the community, that without some change of policy the effort to renew our fortunes is vain. Under these circumstances, your memorialists, admonished by the scene around them, have undertaken to lay

the foundations of a new system, in which they respectfully solicit the concurrence of your honorable body. Charleston, as the commercial emporium of the State, can never discharge the duties which she owes the State, unless the commerce to be conducted by her shall be made secure. The State has invested a large amount in the construction of rail roads, to open channels of communication to her metropolis. But if these channels are merely to conduct the produce of the country, or the commodities of the merchant, to a magazine which a spark may convert into a sea of fire, the efforts of the State are made to worse than no purpose; and its resources are hazarded upon the chances of a moment. Your memorialists conceive that such a state of things cannot continue; they deem it but an act of justice to the State, that proper exertions should be made to establish a new system.

With these views, your memorialists have lately passed an Ordinance to prevent the erection of Wooden Buildings within the City; and they respectfully refer your honorable body to a copy of the said ordinance, with the accompanying Report of their Committee, explaining its purport and objects. Your memorialists, in founding a system so different from that heretofore existing, would have much preferred to submit the whole subject in the first instance for the advisement and sanction of your honorable body; but the urgency of the case admitted of no delay, and they felt themselves called upon by every motive of public duty at once to exercise to the extent such powers as your honorable body had conferred upon them in their charter. Your memorialists think, that as it is highly important this system should be permanent, and not remain subject to the fluctuating opinion of a corporate body, it would conduce highly to the interest of the State, that the Legislature should act directly in the matter. The powers of the City Council do not reach the root of the evil. The appropriate remedy is a clear understanding on the part of the citizens, that a wooden building cannot be permitted to stand—

that it is a common nuisance, and as such must be abated. Such a declaration would operate to prevent the evil—all that the City Council can do, is merely to punish after it is done.

Your memorialists, with a view to exhibit to your honorable body that this policy is neither oppressive nor inexpedient, have caused a committee to collect and report various facts and statements; to which report, accompanying this memorial, reference is respectfully craved. Your memorialists, fully sensible of the wisdom and public spirit of your honorable body, respectfully ask your aid in the premises, by making such enactments as in your judgment may effectually suppress the evil complained of. And your memorialists will ever pray, &c.

H. L. PINCKNEY, *Mayor.*

IN THE CITY COUNCIL.

MAY 22, 1838.

Mr. Memminger offered the following Report.

The Special Committee, appointed to ascertain and report such facts and statements as may enable the Legislature to determine upon the expediency of further enactments on the subject of wooden buildings within the City of Charleston, respectfully submit the following

REPORT:

An overwhelming calamity has laid in ruins a large portion of our city. So quickly has it succeeded another of the same character, that the ashes of both are united, and a wide plain of desolation is exhibited to the eye, whose smouldering ruins, while they awaken the sympathies of the philanthropist, demand from the true lover of his country the exercise of sterner faculties. The united scene of destruction embraces nearly one-third of our whole city—in its ruins lie buried the homes of nearly one thousand families; and the hearths, which but yesterday united around them the hopes and happiness of thousands of our countrymen, are either prostrate upon the earth, or stand aloft amid the waste, the witnesses of our errors, looking down upon our actions, and demanding at our hands future safety and security. As men of ordinary prudence and forecast—as creatures responsible to a higher power for the use of those means which are placed within our reach, it behoves us to consider well the calamity in all its bearings, to ascertain its causes, and

by the blessing of Heaven, to avert, if possible, the return of similar occurrences.

In practical matters like the present, your committee are of opinion that facts are entitled to more weight than the most ingenious speculation. They have, therefore, set themselves in the first place, to examine into the particulars of similar events elsewhere, and thereby, if possible, to ascertain their causes and the remedies which have been adopted. They think it may be fairly assumed that if, by universal consent, the same cause has been assigned for the evil, and the same remedy been applied and found effectual, the question as to both cause and remedy will have been settled according to the soundest rules of human prudence.

Your committee have, therefore, turned in the first instance, to the records of that great people from whom we have derived our wisest institutions, and who, like ourselves, have never submitted to unjust or oppressive exaction. In the year 1666, it is related by the historian, that "a calamity happened in London, which threw the people into great consternation. Fire breaking out in a baker's house near the bridge, spread itself on all sides with such rapidity, that no efforts could extinguish it, till it laid in ashes a considerable part of the city. The inhabitants, without being able to provide effectually for their relief, were reduced to be spectators of their own ruin, and were pursued from street to street by the flames, which unexpectedly gathered round them. Three days and nights did the fire advance, and it was only by the blowing up of houses that it was at last extinguished. About four hundred streets and thirteen thousand houses were reduced to ashes." Such is a rapid sketch of this overwhelming calamity. Except that its extent so greatly surpasses the event which we have so lately witnessed ourselves, it would seem to have been written by an eye-witness of our own misfortunes. But it is of the utmost importance to mark what follows: "The causes of this calamity," continues the historian, "were evident. The narrow streets of London, *the houses built entirely of wood*, the dry season, and a violent east wind which blew—these were so many concurring circumstances which rendered it easy to assign the reason of the destruction that ensued."

Here, then, was a wooden city, in which thirteen thousand families were deprived of homes—those homes, the abodes of a people which had but recently driven one tyrant from his throne—which had just been schooled by the lessons of Hampden, and of Pym, and of all those great men who had united themselves in a mortal struggle against oppression. It will be most instructive to consider what remedies *they* adopted—and surely, it cannot be contended that measures to which men of such minds, and thus overwhelmed, have submitted, can be considered oppressive or inexpedient.

The Parliament met immediately, and with a generous liberality voted a supply of one million eight hundred thousand pounds sterling, and passed "an act for re-building the city of London;" one of the principal provisions of which is in the following words: "And in regard, the building of brick is not only more comely and durable, but also more

safe against future perils of fire: Be it further enacted, that all the outsides *of all buildings in and about the said city, be henceforth made of brick or stone*, or of brick and stone together, except door cases and window frames, the brest summers and other parts of the first story to the front between the piers, which are to be left to the discretion of the builder, to use substantial oaken timber instead of brick or stone, for conveniency of shops; and that the said doors, brest summers and window frames be sufficiently discharged of the burthen of the fabric by arch work of brick or stone, either strait or circular;" and by another clause of the said act, all houses built otherwise, are declared to be a common nuisance, and are directed to be demolished or abated by order of the Court of Aldermen—or the builder to be imprisoned until he give security to demolish the same. By another clause of the same act, it will appear that even greater difficulty was apprehended from the want of materials and workmen than is even now at Charleston. Yet, nevertheless, the prohibition to build of wood, was not only extended over the *whole city*, but no house, even of brick, of less than three stories was permitted to be erected on any street or principal lane in the city. The effect of a permission to erect shops and wooden buildings in a part of the city is strikingly developed in the preamble of a clause in a subsequent act, passed on the same subject, and which directed the said wooden buildings erected since the fire to be taken down and removed. The following are the words: "And whereas, several sheds, shops, and other buildings have been erected since the late dreadful fire, in Smithfield, Moorfields, and other void places within the city and liberties thereof, by license of the Lord Mayor, Aldermen and Common Council of the said city, for the accommodation of such inhabitants whose houses were then burnt or demolished, for the better carrying on of their respective trades; which, if they should be suffered to have longer continuance than the present exigence of the occupiers thereof doth require, would be an occasion to divert the trade of the city, and to discourage such as have rebuilt houses within the said city."

The policy evinced by these enactments, was that of total prohibition. No part of the city was exempted, experience having clearly proved, that such exemption would be ruinous to the other sections. Neither was the difficulty of procuring workmen in a city whose whole structure was about to be changed, considered sufficient to modify the policy—and what is most remarkable is, that notwithstanding all these seeming embarrassments, a still more decisive step was taken. It was enacted that the Common Council should be at liberty to sell every lot upon which a house had formerly existed, and which was not re-built within three years; and the purchase money was given to the owner in lieu of his lot; and all this was done by a Parliament which evinced its disposition towards freedom, by compelling their monarch to put an end to a war which he had much at heart, and by driving from his counsels a minister who had ever enjoyed his confidence and regard, but whom they regarded as tyrannical and oppressive. A casual observer would have supposed that to demand so sudden and speedy a change in a large city, to require the new materials and the numerous workmen for

such an immense work as the re-building of thirteen thousand houses, within so short a period, would have been fatal to the people and the system. But the men who conceived and executed this great enterprize saw deeper—they well knew that the energies of their people would soon be concentrated by the very necessity of the case—and that temporary inconvenience would soon be forgotten in the great results which would follow. The impartial page of history will say whether they were deceived. In this it is said, that "the fire of London, though at the time a great calamity, has proved in the issue beneficial both to the city and kingdom. The city was re-built in a very little time." The use of lath and timber, the materials of which the houses were formerly composed, was forbidden, and the streets were made wider and more regular. "Great advantages resulted from these alterations—the city became much more healthy after the fire. The plague, which used to break out with great fury twice or thrice every year, and indeed was always lurking in some corner or other of the city, has scarcely ever appeared since that calamity."

This radical change in the structure of London having been adopted by most of the cities of Great Britain, your committee can find no further examples of destructive conflagrations in the history of that country, and they therefore must turn now to the pages of our own country. Your committee find that as early as the year 1697, these dreadful scourges had already commenced their work of havoc in Charleston. A fire occurred in that year, which did infinite mischief to the colony, and in the language of the historian of the day, the evil is attributed to the wooden buildings, of which the city was composed. That the evil had already extended to a great degree, your committee find attested in a preamble to an Act of the General Assembly of this State, passed November 4, 1704, entitled "an act to prevent and suppress fire in Charlestown." The preamble of this act states that "the town of Charlestown hath already suffered great losses by fires, and daily is exposed to the same unhappy accident;" and the act proceeds to make sundry provisions, among which is an authority to certain commissioners to blow up houses. The evils intended to be suppressed by this act, seem, nevertheless, to have increased to such a degree, that on the 18th December, 1713, the General Assembly were induced to apply the only effectual remedy, and they enacted a law in the following words: "That no dwelling house, shop, warehouse, stable, barn, or other building whatsoever, shall be erected or set up within the lines of the fortifications of the said town, except such building or buildings be set up and erected, or built with bricks, and that whoever sets up or erects any wooden frame or building within the said fortifications, from and after the expiration of sixty days after the ratification of this act, contrary to the true intent and meaning thereof, such wooden frame and building so erected and set up, shall be deemed a common nuisance, and the same shall be utterly demolished, by order of the commissioners in the said act, nominated and appointed."

Here, then, the wisdom of our ancestors distinctly pointed out the remedy for the multiplied evils which wooden buildings had already pro-

duced. But the interest of many was too strongly affected by this change of system; and at that early day it was alledged that materials could not be had to carry on the new system. Pressed by the urgency of those who looked more to the necessities of the hour, than to the permanent enjoyment of the future, in June, 1717, the foregoing clause was repealed, and the inhabitants of Charleston were again permitted to build as they pleased. But the consequences were not long retarded. "The year 1740, (says the historian of our State,) stands distinguished in the annals of Carolina, for a desolating fire which in November broke out in the capital, and laid the half of it in ruins. This fire began about two o'clock in the afternoon, and burnt with unquenchable violence until eight at night. *The houses being built of wood*, and the wind blowing hard at North West, the flames spread with astonishing rapidity—amidst the cries and shrieks of women and children, and the bursting forth of flames in different quarters, occasioned by the violent wind, which carried the burning shinkles to a great distance,—the men were put into confusion, and so anxious were they about the safety of their families, that they could not be prevailed upon to unite their efforts for extinguishing the fire. Three hundred of the best and most convenient buildings in the town were consumed, which, together with the loss of goods and provincial commodities, amounted to a prodigious sum."

"Happily, few lives were lost; but the lamentations of ruined families were heard in every quarter. In short, from a flourishing condition, the town was reduced, in the space of six hours, to the lowest and most deplorable state. After the Legislature met to take the miserable state of the people under consideration, they agreed to make application to the British Parliament for relief. The British Parliament voted £20,000 sterling, to be distributed amongst the sufferers at Charlestown, which relief was equally seasonable and useful on the one side, as it was generous and noble on the other."

Your Committee have extracted this passage, because, with some modifications, it is but a picture of the disasters which have so often been repeated since this period. It is now nearly a century since calamities of this sort have been renewing their admonitions, yet none of them were listened to, until we have been at last overwhelmed. The fires of 1796 and of 1810 were disasters fully equal to the sack of a city, and yet they were almost forgotten, until the impression was revived by that of 1835. It is just twenty years since the buildings at the corner of Market and Meeting streets were all destroyed by fire, and now again they are in ruins. In fact, the annals of our city may be said to be marked by conflagrations, and its history written in characters of fire. And what renders the whole remarkable, is, that in every instance, the cause is attributed to our wooden buildings; and yet within the last hundred years, but a single effort has been made to apply the proper remedy. That effort, however, has been attended with the most remarkable consequences, and to them your committee will, for a few moments, refer.

In the year 1787, the Legislature passed a law forbidding the erection of wooden buildings, by the owners of wharves in the city of Charleston. The effect of this law has been to cover the wharves and their vicinity, with

brick buildings, and while other sections of the city have been so often ravaged by fire, this section, although covered with cotton bales, has been, in a great measure, exempt from such calamities. Your committee could easily dilate upon these results, and from the experience of other cities, could demonstrate the advantage of excluding wooden buildings. But a report on these points having been already made to your honorable body, they are relieved from that necessity.

Your committee consider it, therefore, to be fully established, that the chief cause of the conflagrations of Charleston is to be found in our wooden buildings, and that the only effectual remedy is, to prohibit their erection.—The question then arises, is such a remedy practicable and expedient—or will it operate such intolerable hardship as to make the remedy a worse evil than the disease?

Two propositions are maintained by those who object to the application of the remedy. 1st. It is said that the difference in cost between brick and wooden buildings, is so great, as to prevent a person of moderate means from building at all—that such person would be able to re-build of wood but not of brick. 2d. It is said that even were his means sufficient, materials for the purpose cannot be procured at Charleston. Your committee propose fairly to weigh both propositions.

First, then, as to the difference between wood and brick buildings. In settling this point it is necessary to ascertain whether a prudent man ought to pay more for a brick than a wooden building, and if he ought, then how much more. For instance, if a man in a brick house can save an annual expense of one hundred dollars, which he must incur in a wooden house, then the brick house is worth to him just so much more money, as when put at interest would produce the $100—and just so much more would it bring in market. Your committee have therefore endeavored to ascertain as nearly as possible what would be the difference in this respect; and they have assumed as the basis of all their calculations, a plain finished two story house of 40 by 20, which description of house would suit the average of persons in moderate circumstances, who might desire to build. Such a house too will furnish a just medium between both extremes, and may be taken as a fair basis for calculation.

The first annual expense then, which the owner of such a house would incur, would be the insurance. From the best information which your committee can procure, the average rate of insurance (before the destruction of our two companies) was about fifty cents per cent on brick houses, surrounded by brick, and one hundred and fifty cents per cent on wood, surrounded by wood. At present the rates are much higher, and would make the calculation more in favor of the brick. Taking, however, the old rate, we will suppose the owners of a brick and wooden house, each to insure $3000 on their buildings, and $1000 on their furniture—the owner of the brick building will pay annually $20—the owner of the wood will pay $60. Difference, : : : : : : : $40 00

The owner of the wood house must paint, at least once in five years, at a cost of at least $100, which makes an annual expense of $20 00

$60 00

And besides these, the owner of the wood will be at the expense of repairs not called for in a brick house, amounting annually to at least : : : : : : : : 10 00

Increased annual expense of wood house, : : : $70 00

which amount is the annual interest of one thousand dollars. So that one would be fairly warranted in paying one thousand dollars more for such a brick house than for a wooden one.

Let us next enquire what is the actual difference in cost. Your Committee have been favored with full and accurate information on this point from some of the most upright and respectable mechanics in the city, from which they now proceed to deduce their conclusions.

It is important that there should first be a distinct understanding of the parts respectively necessary to a brick and wooden building, as on examination it will be discovered that so many are common to both, that for the purposes of a relative calculation, the items may be much narrowed. The roof and the greater part of the inside finish is common to both—the foundation, where a good wooden house is to be built in a city, must be of brick, and of very nearly the same dimensions as in a brick house. If the roofs of both be incombustible, the difference will be confined to the shell of the two buildings, and to the extra window frames, the jamb linings, bond timbers, and furring in a brick house. But on the other hand, it must be borne in mind that the chimnies of a brick house are worked into the wall; whereas in a wooden building, stacks of chimneys are run up inside the weather boarding, each of which being about 5 feet long, by from 2 to 3 feet deep, the consequence is, that in a wooden building there is actually added to the expense, about one quarter of the bricks and wall which would construct a brick building. Then, the wood house must be painted outside, whereas it is optional whether the brick house be pointed or not, and thus these heavy items of expense are added to the wooden house. Your Committee, from these considerations, were prepared to expect that the relative difference between the two would be much less than was generally supposed, and accordingly they have now before them estimates, furnished by several of the most intelligent and substantial master builders in brick and wood, in our city, who offer to finish and deliver the keys of

A brick building, 40 by 20, two stories high, plain finish, for $3,067 00
A wooden building, same size and finish, for : : 2,896 00

Difference, : : : : : : $171 00

The calculations are all predicated upon even the present extravagant prices of materials, and your Committee are assured that the foregoing estimates afford fair profits at those rates.

Your Committee, however, have not limited their investigations to mere results. They have endeavored to get data, which could be laid before the public, upon which every citizen can make a calculation for himself. There is no mystery in these subjects, and a superfluity of light never yet has done injury to the truth. Your Committee have, therefore, endeavored, from such information as they could command, to ascertain the particulars required in each sort of building, and to estimate their cost. They now pro-

ceed to submit a statement of the relative cost of those parts of the two buildings which are not necessary to both, and these are taken from the estimates of several different mechanics.

Before entering upon this matter, however, your Committee would seek to correct one great misapprehension, which seems to have possessed the public mind. The quantity of bricks required in a brick building is far less than is supposed. Every citizen may at once satisfy himself on this point. Let him pile together a few bricks, and he will find that for all substantial purposes of calculation, it will take thirteen and a half bricks for each foot in length and heighth of a wall one brick and a half thick; or, as it is usually called, a fourteen inch wall. To ascertain the number of bricks required for a house of such a wall, he need only multiply the whole external dimensions by the height of the house, from the foundation, and then by multiplying this product by thirteen and a half, he will discover the number of bricks necessary. The quantity saved from this calculation, by the openings required for the windows and doors, will be sufficient allowance for contingencies. Thus, in a house forty by twenty, the external girth is one hundred and twenty feet, which, multiplied by the heighth, say twenty-eight feet, including the foundation and parapet, is three thousand three hundred and sixty, and this multiplied by thirteen and a half, makes forty-five thousand three hundred and sixty the bricks required. But in our estimates we have added two thousand bricks more, so as to allow a thicker wall in the foundation, and to cover all possible contingencies.

Supposing, then, each house to be 40 by 20, of two stories, the brick house will require, with the foundation and chimnies complete, 47,000 bricks, which at present prices will cost, when laid at the present rate of $25 per thousand, : :		$1,170 00
The extra cost of window and door frames will be, say $3 each, : : : : : : : :		60 00
The jamb linings required in a brick house, and not in wood,		60 00
The furring and bond timbers, with the workmanship, : :		65 00
Total, : : : :		$1,355 00
The wooden house will require in place of the above, 12,000 feet lumber, at $20, : : :	$240 00	
Carpenter's work and nails used in framing, weather boarding, and making door and window frames, :	550 00	
Bricks and brick work for chimnies and foundation, : : : : : :	420 00	
Painting outside, : : : : :	100 00	
		1,310 00
Difference, : : : : :		$45 00

But to make a perfectly fair estimate, your Committee think that to this difference must be added the difference of cost between a roof which is incombustible, and one of shingles, because the system established by the Ordinance requires this change. In making this estimate it must be borne in mind, that although we have followed the customs of our ancestors, (who

living in cold climates, to get rid of snow, gave a great pitch to roofs,) yet this plan can be advantageously dispensed with. Flat roofs are common in all Southern Countries, and tend not only to ornament and convenience, but to security. It is easy from such a roof to command the whole building in cases of fire—and by a very slight inclination of the roof to one side or to the centre, the rain water can be conducted by a single gutter into a cistern below, and thus secure to its inmates one of the greatest blessings in our country—a supply of good water. A flat roof too has much less surface, than where there are two sides with a great pitch, and therefore the expense of covering material is much less. The protection from the firing of chimnies, and from sparks in time of conflagration is complete; and when to these advantages is added its durability, the comparison is decidedly in favor of a metallic roof.

Nevertheless in estimating the *expense* of the two systems, the difference between this species of roof, or between slate or tiles and shingles must be added to the cost of the Brick House. Your Committee are informed that slate roofs can be safely used with but a slight pitch, if parapet walls are run up to a height of two feet or thereabouts above the eaves, as a protection against winds, and that such a roof would be cheaper than one of tin. But as they wish to make estimates upon facts and not upon conjecture, they will assume the tin roof and compare it with shingles.

The tinning and tin of roof for the house above, will cost, at $16 per square, : : : : : :	$125 00
And the boards, nails and workmanship say : : :	20 00
	145 00
Shingling same would cost : : : : :	85 00
	60 00
And if to this difference be added the former difference of :	45 00
The actual difference between the two buildings will be	$105 00

Some of the estimates furnished your Committee, vary in some degree from the items of the above calculation; but in all cases an addition of $100, will cover the entire variation. So that by no estimate in the possession of the Committee, will the cost of the brick building, roof, and all, exceed the wood more than $205 00. By referring to the calculations already made, it will be seen that this difference will be made up in three years by the extra expense incurred in a wooden building.

It may be said, however, that there are many brick buildings, in which this estimate will be far short of the actual cost. Your Committee are not prepared to deny that the man who amuses his fancy in building, or who employs a fancy builder, may spend as much money upon a house as may suit that fancy. They have made no calculations suited to such cases—their estimates are intended for plain men, who by hard work have learnt the value of money and know the proper mode of using it; and who, while they desire substantial dwellings, are not disposed to indulge their fancy at the expense of their pockets. It is for such as these last only, that their estimates are designed, and they believe, by such they will be found just.

Your Committee now proceed to state that the foregoing estimates have been made for the best work and materials; but, that by using inferior materials, much more can be saved on the cost of the wooden building than on the brick. They deem it fair, therefore, to make an estimate of this reduction.

In the wooden building, about 8,000 feet of the lumber may be used from rafts, at $12 per M., making a difference or saving on the price on the other estimate of	$64 00
The workmanship may be reduced by jobbing work and other contrivances, to $400, which would save, say - -	150 00
and the bricks and brick work used in the wooden house, may be furnished for $380, saving - - -	40 00
	254 00
On the brick building, there may be saved, by second quality bricks, the difference between $1,170, and $980,	190 00
Making a difference in favor of the wood of - -	$64 00
And if the pointing of the front of the brick house be added, say, - - - - - -	18 00
The whole difference to be added is - - -	82 00
To which, add former difference, - -	45 00
It makes the total difference between brick and wood to be	127 00
To this should be added, as in the first estimate, the difference of expense between a shingled roof and one of metal or tile, which on such a house as that above described, is	60 00
Making the whole difference between the brick and wood to be - - - - - - - -	187 00
And if to this be added the same, - - to cover all variations of estimate; the total difference of cost,	100 00
even of cheap and inferior wooden buildings will be	287 00

A difference which will be made up in four years by the extra annual expense of a wooden building.

If the account be stated in another form, it will stand thus:

The actual value of a brick building, 40 by 20, over a wooden building, has been shewn to be - - -	$1,000 00
But the actual cost of a brick building over a wooden, in any event, does not exceed - - -	287 00
So that the true difference in favor of brick is	$713 00

Without taking into account any of the advantages, of durability and security to the peace of families, and the property of the country.

Your Committee cannot refrain from expressing their surprise at the result of their investigation, and should some errors exist in their calcu-

lations, even making every allowance for them, the result shows at how cheap a rate the infinite benefits of the fire proof system may be purchased.

But the second proposition yet remains to be disposed of. It is said that no supply of materials can be had for the demand, to be occasioned by the new system. Your Committee might safely have dismissed this part of the subject by referring to the example of the city of London, and to the unvarying laws of trade. But desiring, fairly, to canvass every proposition, they have proceeded to collect such facts as may decide this question. Let us inquire then what quantity of material will probably be needed, and the probable supply.

It is ascertained that less than 500 dwellings fronting on the streets have been destroyed. The average of these dwellings, when rebuilt, will not exceed in size the house upon which our estimates have been founded.

Assuming that as an average, then the 500 houses would require, each, say 47,000 bricks, in all, - -	23,500,000
And the outbuildings, say one half, - - -	11,850,000
In all, say—bricks, - - - -	35,250,000
No person has been so sanguine as to expect the burnt district to be built up in less than three years, so that in each year would be required one-third, or, - -	11,750,000
But there are now on the ground a quantity of bricks, which may be used at once, and which may be safely estimated at - - - - -	3,000,000
So that the remainder wanting the first year is -	8,750,000

Let us now see whether the supply is equal to the demand. To ascertain this fact, your Committee have taken the pains to enquire into the number of Brick Yards now in operation, and those about to commence, and what supply may be had from each. They find that there are now in entire operation 6 brick yards, which together furnished last year, five millions of bricks. That many of these are being enlarged—and that there are twelve new Brick Yards just about to commence, which are prepared to deliver annually eight and a half millions more, making in all an expected annual supply of thirteen and a half millions, from our own resources, without adding a single imported brick. Besides these, the enterprising builder of the new stores in Pearl street, is organizing a Brick Yard on Gadsden's wharf and another across the river, from which he expects to supply annually from three to five millions more, making in all an excess nearly double the first year's demand. Your Committee have no doubt that as soon as it is known abroad, that bricks here are commanding a price equal to $16 per thousand, and that our system calls for a permanent supply, we shall have an abundant importation; and in the course of a short time, the price will return to the old range of from 9 to 10 dollars per thousand. At this rate they have sold for many years before the late fire; and when they return to that price, a brick building will be cheaper than one of wood.

Your Committee have heard some complaints that upon lots with small

fronts, the extra space required for brick walls prevents the proprietor from building—but they find this complaint to be without just foundation. A clause of the wise old Law of 1713, above alluded to, provides for this very difficulty, and never having been repealed, it is yet the Law of the Land. It enacts, "That every person building with brick shall have liberty to set half his partition wall in his next neighbor's ground, so he leave a toothing in the corner of such wall for his neighbor to adjoin unto, who when he shall build, such neighbor adjoining shall pay one half of the said partition wall, so far as he makes use of the same." The person building of brick may therefore in such case save not only his ground, but one half the expense of one of his walls.

Your Committee have now according to the best means which they could command within the short time allowed them, discharged the duty which has been assigned them. They cannot but express their gratification at the prospect of gaining a great benefit at so slight a cost as the foregoing statements evince. The greatest sacrifice demanded is of the present comfort and convenience of the citizen. They would respectfully urge that in a matter so vital to the permanent interests of the country, every true patriot should come forward and lend his aid. If an enemy had partly laid our city in ruins, and were yet threatening the remainder, where would be found the man who would not put forward all he owned on earth to save the remnant from destruction? And is there less to be offered at the altar of our country when that enemy is embodied in the selfish interests of a few, who rather than forego present advantage, would see our city snbjected to the conflagrations of another century? The wooden system has been exhausting the resources of our city since its infancy. It has laid it in ruins, times without number. No sooner have we recovered from one calamity, than we are overwhelmed by another still more dreadful, and the extension of the city is but adding the means of destruction. The State too has embarked her resources in opening Rail Roads to the interior. Our merchants and people are creating new channels for commerce—but of what avail is the whole, if it be collected in a place, which under the wooden system has been well named by a Northern Editor, a mere Tinder Box of combustibles? It is well known to every business man, that no city can offer inducements to safe business where the risks of insurance are high, or the insurance itself difficult to be effected. No house of trade can go on, where its stock is constantly at hazard from fires. Every inducement of true interest combines with every motive of patriotism, to encourage us in our course.

Your Committee, therefore, cannot but recommend the firmest and most determined stand on this subject. The crisis which is to decide our fate for another century, has now arrived, and upon the fortitude and energy of the public authorities, at this moment, depends the future destiny of our city. If we give ground, as was done in 1717, we shall again show a harvest to be reaped by the light of our burning homes, "amid the cries and the shrieks of women and children." It has required upwards of a century to restore the public opinion to the point from whence it then departed, and another century of disaster will scarce suf-

fice to convince those, whose present interests or necessities, have shut their eyes to the true interests of the community. Your Committee, in every view of the subject, are convinced that there must be a change of system; and whatever may be the consequences for the present, there cannot be a doubt that the day is not far distant, when its advantages will be apparent to all, and when the present sacrifices, which shall have purchased so great a blessing, as even a partial exemption from these awful calamities, will be regarded as the noblest offering of patriotism. That it may please the Almighty Disposer of events so to rule the destinies of our beloved city as to secure to it these great advantages, and so to guide the Counsels of our State, that like a kind but determined parent, she may, while she assists in raising us from our present affliction, break loose the trammels which have fettered our prosperity, and lead us to the attainment of more permanent and desirable happiness,is the earnest prayer of every member of your committee!

All of which is respectfully submitted.

C. G. MEMMINGER,
DAN'L. HORLBECK,
M. C. MORDECAI.

CITY COUNCIL.

MAY 7, 1838.

The Committee to whom was referred a Bill to prevent the erection of Wooden Buildings, and to provide greater security from fires, together with certain resolutions on the same subject, have had the same under consideration, and respectfully submit the following Report:—

Your Committee, in common with their fellow citizens, have deeply deplored the storm of desolation which has just swept over our city, and while they have been observing its ravages, they have been compelled to remark that they form but a portion of the ruins which deface our city. Around them, in various directions, remain the yet recent traces of former conflagrations, and in the short period which has intervened since the destruction of St. Philip's Church, no less than five extensive fires have desolated various sections of our city. The rapidity with which calamities of this nature pass away from the public recollection, is an indication of their frequency, and furnishes an additional reason why your committee should bring facts more distinctly to your view. The great fire which destroyed the Church alluded to, occurred only in the year 1835, and in the same year there was another which laid waste what was estimated as 1-8th of the city. Since that period we have been visited by the fire which burnt the Carolina Hotel; by another in the lower part of King-street: by another corner of King and Broad, and by another in Queen-street. The public market has within a period of a few years been four times destroyed, and in every case of conflagration, it has raged beyond its point of starting, and threatened or destroyed a large section of the city.

These facts have induced your committee to believe that there must be some peculiar cause for an evil so continued and alarming. In searching for it, they have naturally inquired into the history of other cities, and they find that while New York, Boston, Philadelphia and Baltimore, have been

comparatively free from such visitations of an extensive character; the past history of Fayetteville, Augusta, Savannah and Charleston, is but a repetition of the same awful detail of calamity. In continuing their investigation, your committee find that even in Baltimore and Philadelphia these visitations have been less frequent of late years, and that Augusta has been enabled to take her position along with them. These considerations at once point to some course of policy common to these cities, and not adopted by the others, who like ourselves, so frequently suffer from fire. Your committee think that the legislation of the various cities at once indicates what that policy is. In all the Northern cities above alluded to, laws have been passed preventing the erection of wooden buildings, and since the last great fire at Augusta, that spirited town has adopted the same line of policy, and has already reaped an exemption from disasters, which with her have been as frequent and destructive, as they now are with us. Fayetteville and Savannah too, were wooden cities, and like us, they have been learning the lesson of disastrous experience. Wherever a change of policy has been evinced in the prevention of wooden buildings, the calamities from fire have been diminished, and although accident and negligence must in every city kindle occasional conflagrations, yet in a city of brick, (unless there be some unforeseen and uncommon occurrence, like the excessive and extraordinary cold, which froze the water in the pipes, during the great fire at New York,) the destruction is soon arrested, and its ravages much restrained. On the other hand, every fire in a wooden City advances with alarming rapidity, and sweeps its course over whole sections; leaving to the wretched inhabitants, scarcely time to save themselves and their families. The great fires of Fayetteville and Savannah, have afforded awful illustrations of these truths, and the memories of our own citizens will furnish details, which appalling as they were, stand as living witnesses of the truth.

Within the limits too of our own experience, comparisons can be made, which must strengthen this conviction. The most dense and thickly built section of our own city, is that near the wharves on Cooper River, and their vicinity, and yet while other portions of the city have been ravaged again and again, this section has for many years, been almost entirely exempt from conflagrations. In tracing the course of this remarkable difference, your Committee have found on the Statute Book of our own State, a Law, forbidding the erection of Wooden Buildings in this region, passed as far back as the year 1787—a Law which in its wise conception and now solid results, evinces in the strongest contrast, the wisdom of those great statesmen, who had before that day achieved our independence, and stamped their character upon the institutions of our country. So striking a difference in the history of parts of the same city, and where the part most exempt from fire, contains during a great portion of the year, produce of a most inflammable character, must carry conviction to the minds of all. Your Committee therefore consider it beyond a doubt, that the true cause of our own repeated calamities from fire, is to be found in our Wooden Buildings.

The question then, which we are now to determine, is whether we shall follow the enlightened policy, adopted by every other intelligent community,

and recommended to us as well by our own experience, as by the advice of the fathers of the Revolution; or whether we shall adhere to our wooden system, and continue the victims of catastrophe after catastrophe, until the energy and enterprise of the country are driven from it. The very statement of such an alternative would seem to your Committee sufficient for its decision. But were there any doubt, it would be removed by considering for a few moments some reasons, which should operate more strongly with us, against Wooden Buildings.

The supply of water for the use of our city at all times scanty, is particularly so when most needed. A season of continued drought, while it increases infinitely the danger from fire, withdraws the very means of extinguishing it, by drying up our wells and cisterns. The recent conflagration furnishes a striking example. The houses had become so dry, that a single spark was sufficient to ignite them; and the rapidity with which the fire progressed and the intensity of the heat, not only created a high wind, but produced currents and eddies which hurrying the flames in various directions, formed the basis of new conflagrations. Those individuals who were exerting themselves to protect others, perceiving the alarming and uncertain course of the fire, were driven to the protection of their own homes, and consternation and terror spread far and wide. The flames, thus left to expend their own fury, swept onward like a tempest, and the resinous vapors of the wooden buildings, converted the atmosphere into a sea of fire, which overwhelmed every thing within its reach. Your Committee, in these remarks, are indulging in no figures of rhetoric. They confidently appeal to many who were witnesses of the atmospheric phenomena to which they refer, and who can testify as to their effects. It needs no skill in natural philosophy, to understand the necessary action of highly inflammable gasses, driven forward by the fury of an intensely excited atmosphere, upon a city of wood, parched by a season of uncommon drought, and thereby deprived of all means of protection.

But even amidst all these disastrous contingencies, the resistance of brick was, at last, the preservation of what remains of our city. When the morning breezes from the north aided our efforts in staying the tide of desolation, the stand was made in brick houses in almost every direction. But for the aid of Shelton's Hotel, and of Mr. Kelsey's brick house and kitchen, the fire in King and Liberty-streets, would have acquired a new base of operation—and even the exertions here, would have been useless, except for the additional resistance of the brick houses on Society-street, and Mr. Yeadon's house in Wentworth-street. So at the commencement of the fire, but for the stand made in King-street, at Mr. Horlbeck's and Mr. Ladevese's brick houses, the fire must have extended down King-street.—So too East Bay was saved by Mr. Aiken's brick houses on Market-street. It is true, that many brick houses were afterwards destroyed, but it was not until the conflagration had acquired such power through the ministering aid of the wooden buildings, and had created such a tempest of wind, that all human obstacles were overthrown.

Your Committee, then, cannot resist the conclusion, that the exclusion of wooden buildings from Charleston, is demanded, not only by sound policy, but by every motive of interest and of self-preservation.

But it is said that such an exclusion is unjust and oppressive upon the poor. Your Committee claim for themselves the feelings common to our nature, of sympathy with those who, being deprived of many of the comforts of life, are known among us by the designation of "*the poor.*" They, therefore, were induced to enquire how it could be imagined, that a policy was injurious to the poor, which had been adopted in cities where the poor are infinitely more numerous than they are with us. According to the best judgment of your Committee, the poor are the very persons who are the severest sufferers from fires in wooden cities. The rapidity with which any conflagration advances, tends directly to the ruin of him whose means of saving his all, are limited. The rich man having friends and money and resources at hand, can command the services of negroes, of horses, of carriages, and of drays to transport his family and his wealth beyond the reach of danger. But the poor man can command nothing but his own powers, and these are required to provide for the security of his wife and children. If he can save these, he must be content to abandon his little all—for how can his slender means avail, to remove his furniture or his effects? And if they did avail, where, in the mean time, shall he find safety for his dismayed and houseless family? Your Committee have again alas! the fatal experience of the late fire as evidence of their assertion. How many widows, bearing along their hapless children? How many parents cheering the steps of their despairing families, might then be seen, flying before the desolating tempest, and abandoning their all! In a city of brick, such incidents are but rare, for there the resistance of the material gives time both for checking the fire, and for removing from its reach.

Thus considering the matter, your Committee could not imagine that the policy of preventing wooden buildings would find objection among the poor; well knowing that this class of our fellow citizens, although, in the order of Providence, not permitted the same means with the rich of contributing to the public treasure, are yet second to none in their patriotism; and are ever ready to peril life and all that is dear in advancing the honor and true interest of their country. Your Committee, therefore, took some pains to make enquiry, and so far as they have yet been able to learn, they have heard no complaints from the poor. In every instance in which they have been able to trace this clamor, they find it raised by those who have self styled themselves the friends of the poor, having no superior claim to that character which your Committee can discover, unless it arise from a desire to build cheap houses for themselves or comfortless tenements for the poor, to be hired at an exorbitant rent, thereby wringing from them their hard earnings to furnish means of rebuilding, whenever a new fire shall occur.

Your Committee think it susceptible of the clearest proof, that nothing could contribute more to the comfort and safety of all those who earn subsistence by their daily labor, and who, in the opinion of the Committee are among the most valuable portions of society, than small and substantial brick dwellings. It will be shewn, hereafter, that in the long run, even at present rates, such buildings are better and cheaper than wood, and when it is taken into the account, that, at present, the rent which the poor man

pays for a wooden building is fixed at a rate which contemplates its probable destruction, or which, at all events, covers its additional repairs and Insurance, it will at once be seen, that independently of the chances of losing his furniture and effects, his condition is worse in a wooden building than in one of brick. Nothing can prove this more conclusively, than the fact that those cities from which wooden buildings are excluded, contain more persons in indigent and middling circumstances than are to be found in Charleston, and are so effectually under their government, that were this policy not found advantageous to them, it could not be continued a day longer.

Your committee would gladly make provision for any of our citizens, who, under the existing difficulties are unable to find a shelter for themselves or their families. They have made inquiries for such persons, and as yet none have been reported to them. They had proposed that the city authorities, while forbidding the erection of wooden buildings, should protect as far as possible, those who were unable to protect themselves; and if there were any such indigent persons, that temporary buildings should be erected for their accommodation. It may chance, however, that your committee, from the multiplicity of their engagements, may not have made all the inquiries requisite. It would be prudent, therefore, to institute further investigation, and if the occasion demands it, proper provision should be made. Your committee, therefore, recommend the adoption of the resolution on this subject which was referred to them.

But it is said that admitting the expediency of excluding wooden buildings, it is impossible to pursue such a policy at present—that the expense of any other material and the necessities of the present time alike forbid it. Your Committee are deeply impressed with the necessity which now burthens our people, and have given to it the consideration which it justly merits. They would gladly remove or mitigate its pressure, but unfortunately they can perceive nothing but increasing evil from yielding to the argument now sought to be deduced from it. The very extent of the calamity, renders still more urgent the necessity of providing against its recurrence. The finger of Providence seems to point out the remedy. At least one-third of our city is now in ruins, and there never was such an opportunity for securing its future safety. The wonderful preservation of the brick stores in Pearl-street, not only shews what can be done by energy and incombustible material, but by furnishing accommodation to many merchants now in King-street, will enable them to give their stores to the retail traders who have been burnt out. If we then follow out the course indicated; one-third of the city, and that too in its very heart, will at once be placed upon a new basis, and so great an impetus will be given, that the rest must eventually follow.

With respect to the expense of materials, and the difficulty of procuring them, your Committee have no doubt that these are merely temporary inconveniences. Charleston has, at her door, the ocean high way, and should the law now proposed, be finally passed; your Committee feel assured, that in a short time, brick houses will be erected as cheaply as wood. The enterprize of our countrymen is unbounded; you have only to create a con-

stant market, and your supply will be constant. Already have your Committee heard enterprizes projected of sending even to Europe, and they are much deceived, if the domestic and foreign supply together, will not put at our disposal every thing we may need. Some of your Committee have had experience in building, and they feel assured, that before the late extraordinary advance in prices, (an advance which was but temporary) a brick building in the course of ten years, would cost less than one of wood.

There remains one other consideration of this matter, which, in the opinion of your Committee, is conclutive. An application has been made to the State to aid our citizens with her resources. We are all citizens of the State as well of the city, and surely none of us would desire, much less expect, that the means of the State should be invested in property, which a single night might utterly destroy. If, therefore, we would seek the assistance of our brethren in the State, we must prove ourselves worthy of it, by nerving ourselves to the efforts necessary on our part. It is the merest vision to imagine that they will aid us, until we take the measures so essential to security.

Your Committee having now canvassed the general proposition, and having, as they think, shewn the expediency and necessity of excluding wooden buildings from the city, the next inquiry is, how shall this be done, and to what extent?

The most effectual measure of prevention which occurs to your Committee, is to declare, by a State law, that wooden buildings erected within the city, are a common nuisance, and ought to be abated like other nuisances. This would be an effeetual and complete remedy; but it is one beyond the present powers of the city authorities, and on that account application should be made to the Legislature for proper enactments. Your Committee, however, are of opinion that the City Council have power to take other measures, which, although more slow in their progress, will eventually overcome the evil. The Charter of the City, gives to the City Council, "*full power and authority, from time to time, to make and establish every bye law or regulation that shall appear to them requisite and necessary, for the security, welfare and convenience of the said city, or for preserving peace, order and good government within the same.*"

Your Committee are of opinion, that under this clause, your Honorable Body have authority to pass the ordinance referred to them. That authority is conferred not only by the general words of the eharter already quoted, but by some of the more special grants, and the security of the city is as much concerned in the provisions of the proposed ordinance, as it is in the ordinance forbidding gunpowder from being kept in the city, or the many other regulations which have been enacted under this clause, and which have had the force of law for fifty years.

The only question remaining then, is to what extent shall the prohibition be extended? Your Committee have been much embarrassed by this part of their duty, but after the most mature deliberation, they think that the exclusion should be total in all parts of the city, where nature has interposed no barrier. Upon the marshes which are daily flowed by the tide, it would be impossible and useless at present to build of brick; and these

alone, seem to your Committee, to need exception. It is true that upon the burnt district, there are many landholders, who are in daily need of buildings, and this necessity is evinced in the vain effort which is now making to outrun the law. Your Committee are informed that among these individuals, are some who openly threaten to set the law at defiance; while there are others who have innocently commenced their buildings before they had notice of any law. The latter are entitled to our sympathies, and will have just claims upon the city for an indemnity against any loss they may innocently suffer in yielding to the laws, and your Committee recommend the adoption by Council, of the resolution to that effect, which has been referred to them.

The other portion of our fellow-citizens who, it is said, threaten defiance to the law, your Committee cannot believe to be so rashly advised. In every well ordered community, a contest with the law will ever prove vain. The law must govern, be its requisitions what it may. In a republican country like ours, the law is but the will of a majority of the people, and he is not only wanting in patriotism, but in common prudence, who sets himself to oppose it. Eventually he must submit, burthened with all the consequences. Your Committee therefore, cannot but hope that such rash counsels will be abandoned—at all events, they can form no motive with the public authorities for swerving from their duty. Whatever is the law, must and will be executed.

Your Committee therefore, proceed to express their opinion, however hardly it may bear upon particular individuals, that in this matter, there can be no middle policy. No wooden buildings (other than mere sheds for workshops) commenced since the fire, should be erected or progressed with. All should be placed upon precisely the same footing. If temporary wooden buildings are permitted, who will be the first to commence the more permanent brick? Will any prudent man commence a costly edifice of brick, while his neighbor may put a fire trap of combustible materials, directly under his eaves? Can it be expected, that the enterprising and public spirited, will erect permanent edifices, while around them are hamlets, which a spark may convert into a torrent of fire? Besides, is there any hope, that the State would lend its aid, when the security on which it loans, is to be enveloped amid a mass of combustibles, which may soon reduce the whole to ashes? It is vain to expect it; and every citizen is bound to make up his mind to the alternative. We are in a common calamity, and unless we stand together firmly, we can do nothing. Your Committee have none of them escaped their share of the common calamity—one of them sees buried among the ashes of our prostrate city, the work of years of his life. But they are willing to make common cause with their fellow-citizens. They think that the very urgency of the case will provide its own remedy, and that when all are satisfied that they must gird up in reality to the task; relief will be soon at hand. The concentrated energy of a whole people can work wonders—and in the present case, the object in view is so transcendent in value and so full of promise, that the noble daring and fortitude of our people will be aroused in its pursuit. It lays anew the

foundations of our city, upon a rock which, by the blessing of God, will be permanent and secure. The accomplishment brings with it unnumbered blessings, safety for the present, security and prosperity for the future—and will, if steadily maintained, advance our beloved city far beyond its former station. It will make her all we had so fondly hoped, the pride of Carolina, the home of hospitality, the queen city of the South.

Your Committee, therefore, respectfully recommend the passage of the bill and resolutions referred to them, and herewith reported.

C. G. MEMMINGER,
OTIS MILLS,
S. P. RIPLEY,
} Committee.

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AN ORDINANCE

To prevent the erection of Wooden Buildings, and to provide greater security from Fires.

1. *Be it ordained by the Mayor and Aldermen of Charleston, in City Council assembled,* That it shall not be lawful to build, erect or construct within the city of Charleston any wooden or framed building of any description.

2. Any building framed of wood, or having more wood on the outside of the building than that required for door and window frames, doors, shutters, sashes, porticoes, and piazzas, shall be deemed a wooden building and subject to the penalties of this ordinance; and the roof of every building, and of every piazza and portico shall be covered with some material not combustible, otherwise they shall be deemed each to be a wooden building and subject to the penalties prescribed by this ordinance for the erection of wooden buildings.

3. If any person shall build or construct, or cause to be built or constructed any wooden buildings within the limits of the city, such person shall, upon conviction before any proper tribunal, forfeit and pay to the city a fine of Five Hundred Dollars, and also a further sum of Twenty Dollars for every week during which any such building shall remain erected within the city contrary to the Provisions of this Law; and in case the said building shall not be pulled down and removed, or otherwise made conformable to the provisions of this law within three months after such conviction, the person or persons so convicted shall in addition to the said penalty of Twenty Dollars per week, be subject to a further penalty of One Hundred Dollars for his, her, or their neglect, at the expiration of every three months from the date of such conviction, until the said building shall be pulled down and removed, or otherwise made conformable to the provisions of this law.

4. Every person who shall be employed in the building or construction of any building contrary to the provisions of this ordinance, shall on conviction thereof before any court of competent jurisdiction, forfeit and

pay to the city the sum of Five Dollars for every day he may be so employed; and if any person so employed shall have in his employ slaves or persons of color, he shall forfeit and pay an additional sum of Two Dollars for each hand for every day during which such person may be engaged in the erection or construction of such building.

5. Every unfinished wooden building within the city, the construction or building whereof shall be continued after the passing of this law, shall be subject to its provisions; and any person who shall, after the passing of this law, proceed in the further construction or erection of such building, or thereafter cause the same to be erected or built, shall be subject in all respects to the same penalties as are prescribed in the 3d Section of this Ordinance; and every person employed in the further construction or erection of such building shall be subject in all respect to the penalties prescribed in the 4th Section. Provided, however, that nothing in this clause contained, shall extend to any building which shall have been commenced and the frame thereof erected prior to the 27th day of April last.

6. Every building hereafter erected within this City, shall have, between the separate tenements thereof, sufficient brick or stone partition walls, and shall also be finished with sufficient outer walls of brick or stone; and no wall of any building shall be deemed sufficient unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story; and every person offending against the provisions of this Section, shall, upon conviction thereof, forfeit and pay to the City, a fine of One Hundred Dollars, and also the further sum of Ten Dollars for each and every Month during which the provisions of this Ordinance shall remain not complied with.

7. Whenever hereafter any building already erected, shall be roofed or covered, it shall be roofed and covered as new buildings are hereby directed to be done; and the owner of such building and all persons concerned in roofing and covering the same contrary to the provisions of this clause, shall be subject to the same penalties as though the said building had been newly erected or constructed.

8. None of the provisions of this Law shall, during the next twenty years, extend to any marsh lot within the limits of the city, upon which the tide flows. Provided, however, that at the expiration of the said twenty years, all wooden buildings standing upon any of the said lots, shall be pulled down or removed, by the owners thereof; and the owner or owners, so neglecting to pull down or remove the same, shall be subject to the same penalties in all respects, as are provided in the third section of this law.

9. The City Council may, by resolution, extend permission to mechanics to build, and use as workshops, such temporary sheds as may be necessary for the purpose of rebuilding the Burnt District, for such time and under such regulations, as the said Council shall deem meet.

10. It shall be the duty of the City Marshals, and they are hereby strictly enjoined, to give immediate information of all offences against this Ordinance, and one half of the penalties recovered in each case

shall be paid to the Marshal, or to any person who shall inform against and prosecute any offender.

Ratified in City Council this eighth day of May, in the year of our Lord, 1838, and in the 62d year of American Independence.

H. L. PINCKNEY, Mayor.

By the Mayor.
WILLIAM ROACH, Clerk of Council.

CITY COUNCIL.

MAY 5, 1838.

The following Preamble and Resolutions reported by Mr. Memminger, from the Special Committee were adopted :

WHEREAS, The determination of the City Council to prevent the erection or completion of Wooden Buildings, may operate with particular hardship upon those citizens who had commenced such buildings before they were aware of such determination ; and whereas the delay which must occur in the construction of Brick Buildings, may bear severely upon those who at present may not be able to procure dwellings, therefore

Resolved, That the City Council will indemnify any citizen, who, since the late fire, shall in good faith have commenced the construction of any Wooden Building, before the publication of the Mayor's Proclamation to prevent the erection of such building ; provided such citizen will immediately discontinue and pull down such building, and render in his claim for indemnity to the City Council.

Resolved, That the Council will endeavor to provide a temporary shelter for such persons as are unable to find dwellings under existing circumstances ; that a Committee be appointed to ascertain what buildings are requisite for such purposes, in addition to those under the control of the City, and if further accommodation be requisite, then that the said Committee procure a proper site. and cause a large temporary Wooden Building to be constructed upon a proper plan, for such tenants as may require the same; or that they report any other measures which they may deem expedient.

B

REVIEW

OF THE OPINION

OF

JUDGE COWEN,

OF

THE SUPREME COURT OF THE STATE OF NEW YORK,

IN

THE CASE OF ALEXANDER McLEOD.

BY A CITIZEN OF NEW YORK.

WASHINGTON:

PRINTED BY THOMAS ALLEN.

1841.

TO

THE HON. DANIEL WEBSTER,

Secretary of State of the United States,

The following Review of the Opinion of Judge COWEN, of the Supreme Court of the State of New York, in the case of *Alexander McLeod*, is respectfully inscribed, by

A CITIZEN OF NEW YORK.

REVIEW, &c.

The importance of the questions involved in the opinion delivered by Judge COWEN, of the Supreme Court of the State of New York, in the case of *Alexander McLeod*, and the erroneous principles of national law put forth in that opinion, seem to require that the true doctrines involved in the case should be placed in a correct light before the country. To that end, we have ventured to embody the result of our examination of the subject in the following review of Judge COWEN's opinion.

The opinion is deficient in methodical arrangement of the several positions taken and maintained by the Judge; and this confusion is increased by a badly arranged citation of authorities, and a rambling mode of discussing the subjects. It is also much too long; being nearly double the length required to discuss the matters *really* in issue, even in Judge COWEN's mode of discussing them. Why, for example, go through with an examination of the question whether our courts have jurisdiction, and a right to try a *foreigner* for a crime committed within our State, and quote the authorities bearing upon the subject to prove the jurisdiction, when not a person, lawyer or layman, ever doubted it! and when the Judge himself finally says, "want of jurisdiction has not been put on the ground that *McLeod* was a foreigner."

The other branch of the question of jurisdiction, discussed at great length by the Judge, seems to us an equal waste of labor and learning. As we understand it, the case of *McLeod* does not involve any question of jurisdiction: for it must be conceded that our courts have jurisdiction over all cases of murder committed within the boundary of our State. *McLeod's* case presents for consideration—not a question of jurisdiction, but a question of guilt or innocence; whether the homicide with which he is charged be a crime according to the law of nations.

If a sheriff should, in pursuance of a sentence, hang a person convicted of murder, and after the execution it should be ascertained that the person executed was innocent, and a grand jury should thereupon indict the sheriff for the murder of the person executed, the sheriff could not interpose an objection to the jurisdiction of the court, but would

rely for his defence and justification upon the fact of a conviction by a court of competent jurisdiction; thereby showing that the homicide in him was not a crime.

So also if a soldier should be tried by a court-martial, and sentenced to be shot; and, after his execution, those engaged in it should be indicted for murder; their defence would not be a want of jurisdiction in the State court, but a justification before that court, under a regular court-martial, conviction and sentence, thereby showing that the homicide was not a murder.

Suppose, after the peace with Great Britain, a British soldier had come within our State, and had been arrested and indicted for murder committed in the attack on Buffalo during the war; he would not think of raising a question of jurisdiction in the court, but would rely on the law of nations to justify the homicide, and relieve him from the charge of crime. Indeed, whenever a question of the jurisdiction of a court is raised, it necessarily admits the charge or claim preferred. The plea to the jurisdiction is one of confession and avoidance; surely the counsel of *McLeod* never intended to admit, for a moment, the crime of murder, with which he was charged, and seek to escape its consequences by alleging that the court had not jurisdiction over the offence! In this part of the opinion, therefore, we think the Judge must have been fighting a shadow of his own casting.

There is, also, another part of this opinion, and no inconsiderable part of it, that appears to be a waste of learning and authorities. It is that part in which the Judge proves, beyond question, "that every voluntary entrance into neutral territory, with hostile purposes, is absolutely unlawful;" yet, after an elaborate discussion of this question, a citation of authorities at great length to prove the *unlawfulness* of the violation of our territory by England, the Judge says, "that the act was one of mere arbitrary usurpation; *was not denied on the argument; nor has this, that I am aware of, been denied by any one except England herself.*"

We concede that the authorities cited show that the hostile attack upon the Caroline, and the violation of our territory, was unlawful; that is, without adequate cause; but not one of all the authorities which pronounce a violation of territory unlawful, denounce upon the military of the nation, under whose authority it is done, any personal penalty.

If we examine history, we shall find that quite as many wars have been commenced without, as with adequate cause, when tested by the general reason and sense of mankind; yet no one ever thought of making that the test of the impunity belonging to the military engaged. Such a test can only be applied to controversies between individuals, where there is a common arbiter or judge to decide; never between na-

tions, who admit no judge but themselves. The argument, therefore, on the side of *McLeod*, is not at all weakened by not denying that the attack was unjustifiable on the part of his nation.

In the examination of this subject, we shall concede what has never been denied, and what has taken so much of this learned opinion to prove, to wit: that a foreigner is liable to be tried by our courts for crimes committed within the State; that the courts have jurisdiction in all cases of murder committed within the State; and, for the sake of the argument, that the hostile expedition, in which the Caroline was burned, and Durfee killed, was an unlawful violation of our territory.

We proceed, then, to the discussion of the main question involved in this case, to wit: whether *McLeod* is entitled to the impunity of a soldier in time of war.

The points sought to be established by the affidavit of *McLeod*, are thus concisely stated by Judge COWEN:

"That the Niagara frontier was in a state of war against the contiguous province of Upper Canada; that the homicide was committed by *McLeod*, if at all, as one of a military expedition, set on foot by the Canadian authorities to destroy the boat Caroline; that he was a British subject; that the expedition crossed our boundary, sought the Caroline at her moorings in Schlosser, and there set fire to and burned her, and killed Durfee, one of our citizens, as it is lawful to do in time of war."

From such a state of facts Judge COWEN takes his position in relation to the rights and liabilities of England and her military, as follows:

"I deny that she can, in time of peace, send her men into our territory, and render them impervious to our laws, by embodying them and putting arms in their hands. She may declare war; *if she claim the benefit of peace, as both nations have done in this instance, the moment any of her citizens enter our territory, they are as completely obnoxious to punishment, by our law, as if they had been born and always resided in this country.*

"I will not, therefore, dispute the construction which counsel put upon the language or the acts of England. To test the law of the transaction, I will concede that she had, by act of Parliament, conferred all the power which can be contended for in behalf of the Canadian authorities, as far as she could do so."

This, we confess, is meeting the question boldly; and we accept, for the sake of the argument, and for the present, the concession of the sufficiency of the power conferred on the Canadian authorities. Before we leave the subject, however, we will dispense with this concession, and establish the sufficiency of this power, by the most clear and conclusive authorities.

Upon the question as before stated by Judge COWEN, he applies to it the law of nations, as follows:

"To warrant the destruction of property, or the taking of life, on the ground of public war, it must be what is called *lawful war* by the law of nations; a thing which can never exist without the *actual concurrence of the war-making power*. This, on the part of the United States, is *Congress:* on the part of England, the *Queen*. A state of peace and the continuance of treaties must be presumed by all courts of justice till the contrary be shown; and this is a *presumptio juris et de jure*, until the national power of the country in which such courts sit, officially declares the contrary."

Now the entire error in the opinion of the Judge arises from the erroneous principle of international law which he here lays down.

All will agree that the war which affords impunity to those engaged in it, must be a lawful war. But by the term lawful war is not meant a "*solemn* and *formal* war" only; on the contrary, it comprehends every description of war, except hostile expeditions set on foot for purposes of plunder and pillage, without any apparent cause.

Rutherforth says: "If one nation seizes the goods of another nation by force, upon account of some damage, &c. such contentions by force are *reprisals*. There may be likewise *other acts of hostility* between two nations, which do not properly come under the name of reprisals, such as the besieging each other's towns, or the sinking of each other's fleets, whilst *the nations in other respects are at peace with one another*. These are *public wars*, because *nations* are the contending parties. But as they are confined to some particular object, they are of the *imperfect sort*," &c.—*B. ii.* 9, *s.* 10.

In opposition to this authority, it will be seen that Judge COWEN starts with the proposition that, so long as the *entire* peace of the two nations is not broken up—in other words, until Congress shall declare war against England, or the Queen of England against us, there cannot be a state of war that will warrant the destruction of property, or the taking of life in conflict, on either side. To controvert this proposition, we bring not only Rutherforth, as above cited, but Vattel, in language if possible still more explicit.—*B. iii, c.* 4, §67.

"A war lawful and in form, is carefully to be distinguished from an unlawful war entered on without any form, *or rather from those incursions which are committed either without lawful authority or apparent cause, as likewise without formalities, and only for havoc and pillage.* Grotius, b. iii, chap. 3, relates several instances of the latter. Such were the wars of the *Grandes Compagnies*, which had assembled in France during the wars with the English; armies of banditti which ranged about Europe purely for *spoil* and *plunder*. Such were the cruises of Filbustiers, without commission and in time of peace; and such in general are the depredations of pirates. To the same class belong almost all the expeditions of the African corsairs, though authorized by a sove-

reign, they being founded on no *apparent just cause, and whose only motive is the avidity of captures.* I say these *two sorts* of wars, *lawful* and *unlawful*, are to be carefully distinguished; *their effects and the rights arising from them* being very different."

Here we have Vattel, distinguishing all the hostile collisions of nations into "*two sorts of wars;*" the one sort being undertaken "*without apparent cause*," and for "*havoc* and *pillage*," and all that do not come under this head being of the other sort. Having thus divided wars into "two sorts," the one he calls *unlawful* war, the other *lawful* war.

Vattel does not, like Judge COWEN, call all wars unlawful that are not formally and *solemnly declared* by the "war-making power" of a Government, but he pronounces all hostile attacks lawful wars, if made with lawful authority, and for "*apparent cause*," and not for "*pillage and havoc.*"

Chancellor Kent, too, admits that a formal declaration of war is not essential to make the war *lawful.* All that is required to make a lawful war is, that the hostilities be authorized by the proper authorities.—1 *Kent Com.* 54.

"Since the time of Brinkershoock, it has become settled, by the practice of Europe, that war may lawfully exist by declaration which is unilateral only, or *without a declaration on either side. It may begin with mutual hostilities.* In the war between England and France, in 1778, the first public act on the part of England was recalling its Minister; and that single act was considered by France as a breach of the peace between the two countries. There was no other declaration of war, though each Government afterwards published a manifesto, in vindication of its claims and conduct. The same thing may be said of the war which broke out in 1793, and again in 1803, and indeed in the war of 1756. Though a solemn and formal declaration of war, in the ancient style, was made in June, 1756, various hostilities had been carried on for a *year preceding.*"

In the same explicit manner Rutherforth speaks, denying the necessity of a declaration of war to make the war lawful:

"The only real effect of a declaration of war is, that it makes the war a general one, or a war of one whole nation against another whole nation; whilst the *imperfect sorts of war*, such as reprisals, or acts of *hostility*, are confined to particular *persons*, or *things*, or *places.*"—*Ruth. B.* 2, *ch.* 9, *sec.* 8.

Thus, it will be perceived, a lawful war may be commenced without any formal declaration, and it may be manifested by an act of hostility, without any previous notice; and whether the war becomes a general one or an *imperfect war*, depends upon the extent to which hostilities are carried. It will always be a *lawful war*, if the hostili-

ties are authorized by the proper authority, and are not mere wanton depredations, without any apparent cause.

These questions do not depend entirely upon the opinions of elementary writers upon national law. They have been illustrated by judicial decisions, in cases of hostilities upon the ocean.—1 *Dodson's Admiralty Reports*, 247.

A declaration of war was issued by Sweden against Great Britain, on account of the encroachments of the latter upon her rights as a neutral nation. It was contended before Sir William Scott, that the two countries were not, in reality, in a state of war, because the declaration was *unilateral* only. "I am, however, perfectly clear," says Sir William Scott, "that it was not less a war on that account; for war may exist without a declaration on either side. It is so laid down by the best writers on the law of nations. A declaration of war by one country only is not, as has been represented, a mere challenge, to be accepted or refused at pleasure by the other. It proves the existence of actual hostilities, on one side at least, and puts the other party also into a state of war; though he may, perhaps, think proper to act on the defensive only."

The same principle of *impunity* applies to hostilities upon the land or sea. When they are *wanton* and *malicious*, and for *plunder and spoils*, at sea, they are called *piracy*. Hostilities by land, from similar motives and for like objects, are called *robberies*. Decisions, therefore, in relation to hostilities at sea, and the impunity or liability of vessels and crews, furnish the rule of impunity or liability to be applied to the military, in cases of hostilities upon land.

11 *Wheaton*, 41, Story says: "A piratical aggression by an armed vessel sailing under the regular flag of any nation, may be justly subjected to the penalty of confiscation for such a gross breach of the law of nations. But every hostile attack, *in a time of peace*, is not necessarily *piratical*. It may be by mistake, or in necessary self-defence, or *to repel a supposed meditated attack by pirates*—it may be justifiable, and then no blame attaches to the act; or, it may be *without just excuse*, and then it carries *responsibility in damages*. If it proceed further; if it be an attack from *revenge and malignity, from gross abuse of power and settled purpose of mischief*, it then assumes the character of a private unauthorized war, and may be punished by all the penalties which the law of nations can properly administer."

The same principle is recognized in 1 *Kent's Com.* 188: "An alien, under the sanction of a national commission, cannot commit piracy *while he pursues his authority*. His acts may be hostile, and his *nation responsible* for them. They may amount to a lawful cause of war, *but they are never to be regarded as piracy*."

How perfectly does this principle cover the case in question. The

attack upon the Caroline was hostile and unlawful, and the British nation must be held responsible for it. It amounts to a lawful cause of war; but those engaged in it, acting under lawful authority, can never be regarded as *robbers* or *plunderers*, or liable to be punished criminally.

This principle has been fully recognized in the judicial decisions of the English courts. We have not the case at hand as reported, and therefore avail ourselves of it as extracted by Chancellor Kent.—1 *Kent Com.* 190:

"In the English admiralty, in 1801, it was contended that the capture and sale of an English ship, by *Algerines*, was an invalid and unlawful conversion of the property, on the ground of being a *piratical seizure.* It was, however, decided, that the African States had long acquired the character of established Governments, and that though their motives of justice differ from those entertained by the Christian Powers, their public acts could not be called in question; and a derivative title, founded on an *Algerine capture*, and matured by a confiscation, *in their way*, was good against the original owner."—Citing *The Helena*, 4 *Rob.* 3.

Shall it be said that an English court has held an Algerine capture lawful, because made under the sanction and authority of that Government; and a title thus acquired valid against the original English owner of the captured vessel; and yet the Supreme Court of New York decide that a hostile attack upon us, made (not without apparent cause) under the sanction of the British Government, shall not protect the military engaged in it from the punishment due to cold-blooded murder! We regret to say it has been so said and decided.

The decisions of the courts of England and the United States, in regard to the impunity of vessels and crews when acting under the authority of their Governments, are decisions merely carrying out principles long since adopted by the most approved elementary writers upon national law, and giving to those principles the authority of solemn adjudications by the highest judicial tribunals of the world.

These elementary writers, when speaking of war generally, and more particularly in reference to hostilities upon land, hold that whenever the hostile attack is made under the authority of Government, it becomes an affair between the two nations, and no individual responsibility rests upon the actors.

Thus, Vattel, speaking of war that is *unjust* on the part of the sovereign who waged it, but lawful, because not without apparent cause, and not for havoc and pillage, says:

"But as to the reparation of any damage—are the *military*, the general officers and soldiers, obliged, in consequence, to repair the injuries which they have done, not of their own will, but as *instruments* in the

hands of their sovereign!" "It is the duty of subjects to suppose the orders of their sovereign just and wise," &c. When, therefore, they have lent their assistance in a war which is afterwards found to be unjust, the *sovereign alone is guilty.* He *alone* is bound to repair the injuries. The subjects, and in particular the *military*, are innocent; they have acted only from a *necessary* obedience." "Government would be impracticable, if every one of its *instruments* were to weigh its commands," &c.— *Vattel, b. iii, c.* 11, *sec.* 187.

"Nothing of all this takes place in a war void of form and *unlawful, more properly called robbery, being undertaken without right—without so much as apparent cause.* It can be productive of no lawful effect, nor give any right to the author of it. A nation attacked by such sort of enemies, is not under any obligation to observe towards them the rules of war in form. *It may treat them as robbers.*"—*Vattel, b.* 3, *c.* 4, § 68.

Thus we have "*these two sorts of wars, lawful and unlawful,*" carried through by Vattel to their consequences; and all persons engaged are entitled to have "observed towards them *the rules of war,*" except those engaged in "incursions committed without apparent cause, and only for havoc and pillage."

The same position in regard to the immunity of soldiers is also maintained by Rutherforth:

"The external lawfulness of what is done in a war, in respect of the members of a civil society, extends to public wars of the *imperfect* sort, to acts of reprisals, or to *other acts of hostility, &c.—B. ii. c.* 9, *s.* 15.

And again he says:

"Neither the reason of the thing, nor the common practice of nations, will give them any other *impunity*, or allow them any otherwise to obtain *property in what is taken*, where war has been declared, than in the less solemn kinds of war, which are made without a previous declaration," &c. "In the *less solemn kinds of war*, what the members do who act under the particular direction and authority of their nation, is by the law of nations no *personal* crime in them; they cannot, therefore, be punished consistently with the law, for any act in which it considers them only as the instruments, and the nation as the agent."—*Idem, b. ii, c.* 9, *s.* 18.

We here leave this branch of the case, believing that our readers, from our citation of authorities, must be satisfied that, if the expedition in which *McLeod* is said to have been engaged, was executed under lawful authority, he was guilty of no personal crime in the violation of our territory, the destruction of the boat, or the death of Durfee.

We now proceed to show that the hostile attach took place under lawful authority.

It should be borne in mind that Canada is separated from its mother country by an ocean of three thousand miles. That a revolution was

attempted in Canada, and the disaffected of the colony had not only the sympathy of our people generally, but were, to a great extent, countenanced and succored by our citizens residing upon the borders.

Under this state of things, the British Government gave orders and authority to the chief officer in Canada for his instruction and guidance in meeting the difficulties then presented and anticipated.

Not being able to foresee what might take place, the authority was made as general as the nature of the case would admit, and the exigencies seemed to require; and was, no doubt, intended to vest in the chief officer in Canada power to do whatever the home Government would have done under like circumstances. He was, says the British Minister, "empowered to take any steps, and to do any acts, which might be necessary for the defence of her Majesty's territory, and for the protection of her Majesty's subjects."

This is a power most general and extensive in its terms. The object is, "the protection of her Majesty's territory and subjects." To insure this end, the Canadian officer is authorized to do any act necessary for this protection; and this necessity must, in the nature of things, depend upon the judgment and discretion of that officer. The authority does not limit the officer to any specified measures, or confine his acts to the Canadian territory. As England might, in defence of her Canadian subjects and territory, authorize a hostile attack upon the Caroline, under such circumstances as presented themselves to the Canadian authorities, it would seem to follow that the Canadian officers had power, under their orders, to do the same thing.

By saying that the sovereign of England might authorize such a hostile attack as was made on the Caroline, we do not intend to say it would be an attack that could be justified to the world. We only intend to say that it would be so far justifiable or excusable as to furnish impunity to the military acting under such an order.

But have *we* a right to scrutinize and limit an authority of this kind, whilst England sanctions the act done under it, and when the object and effect of such limitation is, to make murder of an act, which, under a liberal construction of the power, would render the accused innocent of the slightest crime?

We think the construction which we give to this power receives confirmation from *Burlimaqui*, *pt.* 4, *ch.* 1, *sec.* 4. Speaking of the power of magistrates or generals, this author says: "They cannot lawfully undertake any act of hostility of their own head, and without a formal order of the sovereign, *at least reasonably presumed, in consequence of particular circumstances.*"

But England approved this act, by not immediately disclaiming it,

by knighting Mac Nab, the chief projector of it,* and has since officially recognized the attack as one embraced within the powers conferred upon the Canadian authorities. Mr. Fox, the British Minister, in a communication to our Government, says:

"The transaction on account of which *McLeod* has been arrested, and is to be put upon his trial was, a transaction of a public character, planned and executed by persons duly empowered by her Majesty's colonial authority to take any steps and do any acts which might be necessary for the defence of her Majesty's territories and for the protection of her Majesty's subjects; and that, consequently, those subjects of her Majesty who engaged in that transaction, were performing an act of public duty for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country."

But Judge COWEN denies that an approval by the British Government can, in any way, operate to screen *McLeod* from the punishment due to the crime of murder, for the part he is supposed to have taken in the attack. To maintain this position, the learned Judge goes into an elaborate citation of authorities, which, to avoid the appearance of injustice towards him, we here transcribe:

"An order emanating from one of the hostile sovereigns, will not justify to the other every kind of perfidy. The case of spies has been already mentioned. An emissary sent into a camp with orders to corrupt the adverse general, or bribe the soldiery, would stand justified to his immediate sovereign.—*Vattel, b.* 3, *ch.* 10, *sec.* 180; though even he could not legally punish a refusal. In respect to the enemy, orders would be an obvious excess of jurisdiction.

"The emissaries sent by Sir Henry Clinton, in 1781, to seduce the soldiers of the Pennsylvania line falling into the hands of the Americans, were condemned and immediately executed. 4 *Marsh. Life of Wash.* 366, 1*st edt.* Entering the adverse camp to receive the treacherous proposition of the general is an offence much more venial. It is even called lawful in every sense as between the sovereign and employee. *Vattel, b.* 3, *ch.* 10, §181. Yet in the case of Major André, an order to do so was, as between the two hostile countries, held to be an excess of jurisdiction.

"These cases are much stronger than any which can be supposed between nations at peace. In time of war, such perfidy is expected. In time of peace, every citizen, while within his own territory, has a double right to suppose himself secure; the legal inviolability of that territory, and the solemn pledge of the foreign sovereignty.

"The distinction that an act valid as to one may be void as to another is entirely familiar. A man who orders another to commit a trespass, or approves of a tresspass already committed for his benefit, may be bound to protect his servant, while it would take nothing from the liability of the servant to the party injured. As to him, it could merely

* Burlimaqui seems to consider such an act of the subordinate officer *approved*, unless the sovereign officially *disclaims* it.—*Burl. pt.* 4, *ch.* 3, *sec.* 19, quoted at length hereafter.

have the effect of adding another defendant, who might be made jointly or severally liable with the actual wrong-doer. A case in point is mentioned by *Vattel. b.* 3, *ch.* 2, § 15. If one sovereign order his recruiting officer to make enlistments in the dominion of another in time of peace between them, the officer shall be hanged notwithstanding the order, and war may also be declared against the offending sovereign.— *Vid. a like instance id. b.* 1, *ch.* 6, § 75.

"What is the utmost legal effect of a foreign sovereign, approving of the crime his subject committed in a neighboring territory? The approval, as we have already in part seen, can take nothing from the criminality of the principal offender. Whatever obligation his nation may be under to save him harmless, this can be absolutely done only on the condition that he confine himself within her territory.— *Vattel, b.* 2, *ch.* 6, § 74. Then, by refusing to make satisfaction, to furnish, or to deliver him up, on demand from the injured country, or by approving the offence, the nation, says Vattel, becomes an accomplice.— *Id.* § 76.

"Blackstone says, an accomplice or abettor; (4 Com. 68;) and Rutherforth, still more nearly in the language of the English law, an accessory after the fact.—*B.* 2, *ch.* 2, § 12. No book supposes that such an act merges the original offence, or renders it imputable to the nation alone."

The rights and duties of nations are not, in general, happily illustrated by reference to the rights, duties, and liabilities of individuals. In relation to the case of trespass, put by the Judge, we agree that the effect of another person's approving it might make him a trespasser also, and would not discharge the liability of him who actually committed it; and the reason is, that the approver had no more right to make the entry than the actual trespasser.

We think it cannot fail to strike every one, that the examples given by Judge COWEN, in which the authorization or approval by the sovereign cannot protect the criminal, are all cases where the act done is unlawful in itself, whether committed by sovereign or subject. The enlistment of soldiers in the dominions of another nation, without its consent, is, by the law of nations, a crime, whether the enlistment be made by the sovereign in person or by a recruiting officer.— *Vattel, b.* 1, *ch.* 6, *sec.* 75.

Spies also are not the less criminal because they are authorized by their sovereign, since the sovereign could not himself lawfully act the spy.

We cannot better answer Judge COWAN on this head than by transcribing one other of his examples, and annexing to it a quotation of his from Locke:

"Suppose a prince should command a soldier to commit *adultery, incest, or perjury; the prince goes beyond his constitutional power.*"

So Says Mr. Locke [on Gov. B. 2, ch. 19, sect. 239,] of a king even in his own dominions: "In whatsoever he has *no authority*, there he is *no king*, and may be resisted; for wheresoever the *authority ceases*, the *king ceases* too, and becomes like other men who have no authority."

Examples to show that a subject may not do an act, with or without his sovereign's authority, fall far short of showing that what he may do by the direction of his Government, may not receive equal validity from a subsequent approval of the act by that Government, as if it had directed it originally.

We have already, as we think, established the position, that the hostile violation of our territory, resulting in the destruction of the Caroline and the killing of Durfee, had the same been ordered by the British Government, would have protected the military engaged in it from any personal liability. We now maintain that the subsequent approval of the attack, especially under the circumstances of the original order and the situation of the mother country in relation to her colony, and of Canada in relation to our border, furnishes equal impunity and protection to all concerned in it.

The authorities quoted by Judge COWEN on this head, as we have already shown, do not in the slightest degree impugn the correctness of this position; whilst the authorities we shall now produce will fortify and fully sustain it.

Burlimaqui, pt. 4, ch. 3, sec. 18.—"A *mere presumption* of the will of the sovereign would not be sufficient to excuse a Governor or any other officer who should undertake a war, except in case of necessity, without either a *general* or particular order. For it is not sufficient to know what part the sovereign would probably act if he were consulted in such a particular posture of affairs; but it should rather be considered in general what it is probable a prince would desire should be done, without consulting him, when the matter will bear no delay and the affair is dubious."

Now certainly sovereigns will never consent that their ministers should, whenever they think proper, undertake without their order a thing of such importance as an offensive war, which is the proper subject of the present inquiry.

Sec. 19.—"In these circumstances, whatever part the sovereign would have thought proper to act if he had been consulted; and whatever success the war undertaken without his order may have had; it is left to the sovereign, *whether he will ratify or condemn the act of his ministers. If he ratify it, this approbation renders the war solemn, by reflecting back, as it were, an authority upon it;* so that it obliges the whole commonwealth. But if the sovereign should *condemn* the act of the Governor, *the hostilities committed by the latter ought to pass*

for a sort of robbery, the fault of which by no means affects the State, provided the Governor is delivered up and punished according to the law of the country, and proper satisfaction be made for the damages sustained."

8 *Peters*, 522.—Story, speaking of the seizure of an American vessel and cargo by a Spanish vessel, says:

"If she had a commission under the royal authority of Spain, she was beyond question entitled to make the seizure. If she had no such authority, then she must be treated as a non-commissioned cruiser, entitled to seize for the benefit of the crown; *whose act, if adopted and acknowledged by the crown, or its competent authorities, become equally binding*. Nothing is better settled, both in England and America, than the doctrine that a non-commissioned cruiser may seize for the benefit of the Government; and if his acts are adopted by the Government, the property, when condemned, becomes a droit of the Government."

Upon these authorities, and for the reasons before stated, we have come to the conclusion, that the approbation of the attack by the British Government has removed all doubt about the sufficiency of the original authority of the Canadian officers.

We have thus far discussed this matter, as if the question, as to the relation in which the United States Government stands to the British Government, in the matter of this attack, was an open one—one in which the judiciary of the country is at liberty to decide by a direct application of the principles of the law of nations to the facts as they might be established by proof; and in this view of the matter, we feel confident of having established, by the *facts* and the *law*, that the attack upon the *Caroline* was made upon sufficient authority from the British Government; or, if the authority was in any respect equivocal, that it has been ratified by the British Government, so as to require of the judiciary of the country, upon the *facts* and the *law*, a judgment establishing the perfect impunity of the military engaged in the expedition.

We now propose to show that the character of the expedition against the *Caroline*, and the relation in which the two countries stand in reference to it, has been settled and *decided* by our Government to be that of "*lawful war*" *of the* "*imperfect sort*;" and that courts of justice are not at liberty to pronounce a different judgment from that pronounced by the Government of the country.

Has our Government determined the relation in which the two countries stand to each other in reference to the impunity to which *McLeod* is entitled, as being one of this military expedition?

In May, 1838, shortly after the destruction of the Caroline, in a communication to the British Government, our Minister, Mr. Stevenson, characterized the attack as "an invasion of the territory and sovereignty

of an independent nation by an armed force of a friendly Power;" and Mr. Webster, Secretary of State, in his letter to Mr. Fox of the 24th April, 1841, says: "the Government of the United States has not changed the opinion which it has heretofore expressed to her Majesty's Government, of the *character* of the act of destroying the Caroline."

Can language be better adapted to define the first act of war by one nation upon another, where there has been no previous declaration of war, than that employed by Mr. Stevenson to characterize this attack by Great Britain?

So long ago, then, as May, 1838, the Executive Department of our Government determined that the attack upon the Caroline was an act of war, and so far as that act of hostility was concerned, placed the British Government in that relation to our own.

In the letter of Mr. Webster, before referred to, he recites the ground upon which the British Government place the hostile attack, so far as the military engaged in it are concerned, *and the assent of our Government to this same view of the matter.*

Mr. Webster in his letter, says:

"The President inclines to take it for granted that the main purpose of the instruction was, to cause it to be signified to the Government of the United States that the attack on the steamboat 'Caroline' was an act of public force, done by the British colonial authorities, and fully recognized by the Queen's Government at home; and that, consequently, no individual concerned in that transaction can, according to the just principle of the laws of nations, be held personally answerable in the ordinary courts of law, as for a private offence; and that upon this avowal of her Majesty's Government, Alexander McLeod, now imprisoned on an indictment for murder, alleged to have been committed in that attack, ought to be released, by such proceedings as are usual and are suitable to the case."

After this recital of the position in which the British Government places the matter, Mr. Webster, speaking in behalf of our Government, says:

"The communication of the fact that the destruction of the 'Caroline' was an act of public force, by the British authorities, being formally made to the Government of the United States by Mr. Fox's note, the case assumes a decided aspect.

"The Government of the United States entertain no doubt that, after this avowal of the transaction as a public transaction, authorized and undertaken by the British authorities, individuals concerned in it ought not, by the principles of public law and the general usage of civilized States, to be holden personally responsible, in the ordinary tribunals of law, for their participation in it. And the President presumes that it can hardly be necessary to say that the American People, not distrustful

of their ability to redress public wrongs by public means, cannot desire the punishment of individuals, when the act complained of is declared to have been an act of the Government itself."

In a letter of instructions to the Attorney General, which was also communicated to Mr. Fox, Mr. Webster says:

"That an individual forming part of a public force and acting under the authority of his Government, is not to be held answerable as a private trespasser or malefactor, is a principle of public law sanctioned by the usages of all civilized nations, and which the Government of the United States has no inclination to dispute."

Judge COWEN makes a criticism upon the communication of the British Minister, which, perhaps, requires a passing remark. He says:

"Even the British Minister is too just to call it *war;* the British Government do not pretend it was *war.*"

As words in a promise, indicative of an undertaking to warrant, amount, in law, according to "*Cowen's Treatise,*" to a *warranty*, without the use of the term *warrant*, so, in the letter of the British Minister, a description of hostilities that by the law of nations constitutes "imperfect war," is equivalent to the assertion in terms that it was *war of the imperfect sort.*

But the Judge, evidently not feeling much confidence in his criticism upon the British Minister's communication, afterwards seems to admit that our Government, so far as it could, had decided the question in regard to the character of the hostile attack, and, consequently, in regard to the individual liability of those concerned in it.

The language of the Judge is this:

"But it is said of the case at bar, here is more than a mere approval by the adverse Government; that an explanation has been demanded by the Secretary of State; and the British Ambassador has insisted on McLeod's release, and his counsel claim for the *joint* diplomacy of the United States and England some such effect upon the powers of this court as a *certiorari* from us would have upon the county court of general sessions. It was spoken of as incompatible with the judicial proceedings against McLeod in this State; as a suit actually pending between the two nations, wherein the action of the General Government comes in collision with, and supersedes our own.

"To such an objection the answer is quite obvious. Diplomacy is not a judicial but executive function: but the objection would come with the same force, whether it were urged against proceedings *in a court of this State, or the United States.*"

But the Judge insists that "the Executive power has charge of the question in its national aspect *only;*" by which, from the context, we must understand, that the two Governments may agree that the hostile attack was of that character which furnishes impunity to the military concerned, yet that the courts, *Federal* and *State*, may determine

otherwise, and inflict criminal punishment upon the offenders! How "the Executive power has charge of the question in its national aspect," and yet its decisions be void of all efficiency and effect upon the subject *decided upon*, is, we confess, beyond our comprehension. The General Government cannot, it is true, after deciding the question, issue any mandate to a court to carry its determination into effect, or remove a cause, or withdraw a suitor or criminal from the custody of the courts. But its decision becomes binding upon all courts or tribunals where the question arises; and thus the Executive department of the Government "has charge of the question in its national aspect," and the law makes its *decision* all-powerful and efficient.

It can hardly be necessary to resort to any course of reasoning, or to the citation of authorities, to show that the Executive of the United States possesses all the power in regard to the matter in question that usually belongs to the Executive department of every Government.

"The command and application of the public force to execute the law, maintain peace, and resist foreign invasion, are powers obviously of an Executive character, and require the exercise of qualities so characteristical of this department, that they have always been exclusively appropriated to it, in every well-regulated Government upon earth."—1 *Kent's Com.* 286.

The memorable attack of the British ship of war Leopard, Capt. Humphreys, upon the frigate Chesapeake, Capt. Barron, in which several American sailors were killed, became the subject of discussion between the two Governments, and resulted in an adjustment, in which, amongst other things, England offered "the American Government a suitable pecuniary provision for the sufferers in consequence of the attack on the Chesapeake, including the families of those seamen who unfortunately fell in the action, and of the wounded survivors." Could Captain Humphreys afterwards have been proceeded against in a court of our country, and held personally responsible, notwithstanding the Executive department of our Government had settled the whole matter with the British Government? There cannot be a doubt, as we think, that this adjustment of the matter, "in its national aspect," was an adjustment of the matter in *every* aspect, and binding upon all courts and tribunals of the country.

This principle has been judicially recognized in England. There, where the Executive department of the Government has determined the relation in which the British Government stands towards any other country, in regard to hostilities, such decision is conclusive, and in all the courts precludes any further examination or agitation of the question.

15 *East.* 81.—This was a case of insurance, and the cause turned upon the question whether the trade to St. Domingo was, at that time, with a country at peace with England.

Lord Ellenborough says, "this is a grave question, and depends in a great measure upon the consideration of the Orders in Council which have been referred to. I agree with the Master of the Rolls in the case of the *Pelican*, *that it belongs to the Government of the country to determine in what relation of peace or war any other country stands towards it*, and that it would be *unsafe* for courts of justice to take upon them, without that authority, to decide upon those relations.

"But when the Crown has decided upon the relation of peace or war in which another country stands to this, *there is an end of the question;* and in the *absence* of any express promulgation of the will of the sovereign in that respect, it may be collected from other acts of the State. The Master of the Rolls, in the case of the Pelican, lays down the rule generally 'that it belongs to the *Government of the country to determine in* what relation any other country stands towards it, *and that the courts of justice cannot decide upon the point;*' by which I must understand him to have said that they cannot decide *adversely* to the declaration of the sovereign upon that point.

"For want of a declaration by the Crown at one period, different verdicts were given in different causes, in respect to commercial adventures of the same description to *Hamburgh*. But courts and juries cannot do otherwise than decide *secundum allegata et probata* in such particular cases without regard to other proof in other causes."

This, let it be remembered, was a private litigation between individuals; and the court held that the determination of the *Government*, as to the relation in which another Government stands towards it, controlled the rights of the parties litigant, and put an "*end to the question.*" How much stronger is the reason for the application of the rule to our country and Government.

Without such a rule, conflict and collision arise between the Executive and judicial branches of the General Government, and between the General and State Governments.

Mr. Buchanan, of the Senate, has well described the conflict which such adverse decisions, between the Executive and judicial departments of the Government, will produce:

"The judicial authority will be on one side of the question, and the Executive Government on the other. Whilst the judiciary decide that McLeod is responsible in the criminal courts of New York, *the Secretary decides that he is not.* By prejudging this pending judicial question, the Secretary has placed himself in an awkward dilemma, should the Supreme Court of New York determine that the recognition and justification by the British Government of the capture of the Caroline, does not release McLeod from personal responsibility."

The mode of remedying this difficulty, and preventing such conflicts in the two departments of Government, suggested by Mr. Buchanan, is, we confess, most extraordinary. It is that the Secretary of State, representing the Executive Department of Government, shall suspend the decision of a question pending with a foreign Government until the question shall have been judicially decided; and this course is suggested even in a proceeding where the Government is not a party, and where a decision may be delayed until those interested in the question see fit to bring the matter to a close!

One remedy for what Mr. Buchanan calls this "awkward dilemma," is, the rule which prevails in England: when the Executive Department has decided a question between our own and a foreign Government, which properly belongs to the Executive Department to decide, "courts of justice cannot decide adversely." Such a rule produces consistency and harmony in every department of the General Government, and prevents all collision with the Judicial Departments of the State Governments. Without such a rule, the intercourse of our Government with other nations becomes empty diplomacy; when national matters, discussed, agreed on, and settled by the proper Executive Department, are not only disregarded by the Judicial Department of the Government, but are perfectly annulled by adverse decisions and judgments, and executions carrying into effect those judgments.

If, in England, the determination of the Government as to the relation in which another Government stands to it, shall control the rights of individuals, in a litigation with which the Government is not the most remotely connected, and in which the public has no interest, how much stronger is the reason for applying the rule to criminal courts; especially when the guilt or innocence of the accused is made to depend upon the decision, as to the relation in which another Government stands to our own, in a hostile collision, where the accused was an actor, unconscious at the time of the possibility that the part he took could subject him to the imputation of crime?

We have now concluded our examination of the great principles of national law involved in the case of *McLeod*, and we feel great confidence in saying we have, by the most ample authority, maintained, 1st. That a hostile attack and violation of our territory, in time of general peace, by the authority of the British Government, with apparent cause, is so far a "*lawful war*," of the "*imperfect sort*," as to furnish impunity to the military engaged in it.

2nd. That the instructions given to the Governor or chief officer of Canada, under the circumstances and situation of that colony, contained sufficient authority to legalize the attack; or, if that be doubtful, then,

3d. That the sanction by the British Government of the attack, supplied any possible deficiency in the instructions.

4th. That the Executive Department of our Government has decided, that the relation in which Great Britain stands towards our Government, as to the affair of the *Caroline*, is that of "*imperfect war;*" and that "individuals concerned in that transaction ought not, by the principles of public law, and the general usage of civilized States, to be holden personally responsible," and,

5th. That such decision, by the Executive Department of our Government, is final and conclusive upon all the courts in the United States.

It remains for us now to inquire whether the mode of relief, by *habeas corpus*, sought by *McLeod*, ought, under the circumstances, to have availed him.

Upon this branch of the case Judge COWEN, for the sake of argument, concedes to *McLeod* the impunity which he claimed, as being one of the military force who made the attack upon the Caroline, yet decides that he cannot be discharged upon habeas corpus, *because the grand jury have indicted him for murder.*

The principle advanced by the Judge is, that a man charged with murder *by the finding of an indictment by a grand jury, cannot, under any circumstances*, be admitted to bail, or be discharged on habeas corpus. We readily concede that in a case where a person cannot be admitted to bail, he cannot be entitled to a discharge on habeas corpus.

The Judge has cited several cases were applications where made to admit to bail persons charged with murder. The cases cited, however, are all cases where the application was made *before* indictment; and what is said by the judges about the effect of an indictment, as precluding the possibility of letting to bail, is mere *dicta;* that question not having arisen in a single case cited. But although Judge COWEN admits that his cases "were all *before indictment found*," he says the principle of refusing bail *after indictment*, for murder, "has never, that we are aware of, been departed from in practice under the English habeas corpus act." Had the Judge searched as diligently for cases in favor of this application, as he seems to have done for cases against it, he certainly would have come to a different conclusion as to the existence of authorities for letting to bail after indictment, whatever might have been his conclusion as to the true principle of law. Whilst the Judge has not been able to cite a *single* case where, *after indictment*, the question of bail has actually arisen, we have been able to find several, where the question has not only arisen, but where the prisoner has been let to bail after indictment for murder and other high crimes.

3 *Bacon Ab.* 436, title *Habeas Corpus:* "Also the court will sometimes examine by affidavit the circumstances of a fact on which a prisoner brought before them by an *habeas corpus* hath been *indicted*, in order to inform themselves, on examination of the whole matter, *whether it be reasonable to bail him or not.* And agreeably hereto, one Jackson, *(4 Geo. III.)* who had been *indicted* for *piracy* before the session of Admirality on a malicious prosecution, brought his *habeas corpus* in the said court, in order to be *discharged* or bailed. *The court examined the whole circumstances of the fact by affidavit;* upon which it appeared the prosecutor himself, if any one, was guilty, and carried on the present prosecution to screen himself; and thereupon, the court, in consideration of the unreasonableness of the prosecution, and the uncertainty of the time when another session of Admirality might be holden, *admitted the said Jackson to bail.*

3 *East.* 165, *King* vs. *Marks.* *Le Blank* says: "This court have clearly a right to bail the parties accused in all cases of felony, if they see occasion, *whenever there is any doubt either on the law or the facts* of the case.

Woodworth, J. in the case of *Tayloe*, 5 *Cow.* 55, cites with approbation this rule of Le Blank. He says: 'The court will bail whenever there is any doubt on the *law* or the *facts* of the case.'"

It is true these were cases before indictment. But the rule is laid down without limitation; and we can see no reason for limiting it to cases before indictment, especially where the prisoner shows "there is doubt on the *law* of the case," and more especially when he shows that "by the law of the case" he is innocent of the crime imputed to him.

Bacon Ab. 35, title, *Bail in criminal cases:* "So if a man be *convicted* of felony upon evidence by which *it plainly appears to the court he is not guilty of it*," he will be let to bail. Why, then, not let him to bail before conviction, "if it *plainly* appears to the court that he is not guilty of it."

5. Mod. Capt. Kirk's case: Mr. Montague moved that Mr. Kirk might be admitted to bail, "for that he was very dangerously ill by reason of the badness of the air and the inconveniences of the prison." There had been an inquest by the coroner for murder, and also an *indictment by the grand jury.*

The counsel who opposed the motion for bail, said, "It is true your lordship has *power* to bail in *treason* or *murder;* but you will not exert that power unless it be in extraordinary circumstances, as in some cases that have been quoted, and especially in such *where the prosecution is thought not to be well grounded.* [Holt, Chief Justice.] In

this case I do not think the affidavits are full enough. It does not appear that by this imprisonment they are in danger of their lives." Here is no intimation that the indictment precludes all inquiry; on the contrary, the refusal to bail is upon a full inquiry into the merits of the facts upon which the application is founded.

In *Coke's Entries*, 354 to 356, are three cases, copied from the rolls of the court, where there had been *indictments for murder*, and the prisoners *afterwards* let to bail.

1 *Salk*, 104.—J. S. being committed upon an *indictment* for murder, moved to be bailed. "☞ *Rokesby* and *Turton* were for bailing him, because *the evidence upon the affidavits read did not seem to them sufficient to prove him guilty.* Holt, Chief Justice, and *Gould, contra.* The evidence does affect him, and that is enough. The allowing the freedom of bail may discourage the prosecution; therefore it is not fit the court should declare their opinion of the evidence beforehand; for it must prejudice the prisoner on the one side, or the prosecution on the other." Here, too, the merits of the application were looked into; and although bail was refused, it was not because there was an *indictment*, but because the court were equally divided upon the merits of the application.

Judge COWEN cites a case on the *same page* as the above, to show that a person cannot be let to bail *under any circumstances after indictment!* and yet overlooked the one cited above!

The case cited by Judge COWEN is the case of *Lord Mohuns*, and even in that, it does not appear from the report in Sakl. *whether he had or had not been indicted!* The case is referred to in 2 Strange, 911, Rex *vs.* Dalton. The Chief Justice there said, "that *the Lord Mohun's case* was at Lord Holt's chambers, and not in court, as the book reports it; *and that the lords bailed him after indictment for murder was found.*"

Another case may be added, of a person indicted for murder being let to bail. We refer to the late case of the young student, who was indicted for the murder of Professor Davis, at the University of Virginia.

As to the right of courts to bail, there is no difference between cases of murder or the highest grades of manslaughter.—*See Sutherland's opinion in Taloe's case*, 5 *Cow.* 55.

Selfridge, indicted in Massachusetts for manslaughter, was let to bail *after indictment. Goodwin*, indicted in New York for manslaughter, was, after one trial, and the jury not agreeing, let to bail by Chief Justice *Spencer.*—*Wheeler's Crim. Cas.* 434.

Thus it will be perceived, that whilst Judge COWEN is not able to

cite a single case, where, upon application to bail *after indictment* for murder, the court has said the fact of an *indictment was conclusive against it*, we have been able to cite several cases in which the application was made *after indictment;* in some of which the indicted person was *let to bail*, and in others refused. Yet in none of these cases is the idea advanced that the *indictment precludes all inquiry.* In all of them the *power* is conceded, but not to be exercised, "unless in extraordinary circumstances." All the cases to be found in which the idea is advanced that an *indictment precludes all inquiry*, are cases where *no indtctment had been found;* and the remarks of the judges upon that point are mere *dicta*, and unworthy the character of grave authority. That the court have the power to look beyond the indictment, may be proved to the common sense of every one, by a few examples:

Suppose, upon circumstantial evidence before a grand jury, a person is indicted for the murder of another, and is arrested and imprisoned to take his trial; suppose such prisoner should afterwards sue out a *habeas corpus*, and upon being brought before Judge COWEN, should make a *profert* of the supposed murdered man, in full life and vigor, his identity placed beyond all question; would Judge COWEN say, *there being an indictment by a grand jury precludes all inquiry*, and you must continue in prison until a court shall be held for your trial? Such are the doctrines of his opinion!

Suppose *Robinson*, the murderer of *Ellen Jewett*, should be again indicted by a grand jury, and arrested, and finally brought before Judge Edwards on *habeas corpus*, for a discharge, on the ground that he had been once tried for the same offence and acquitted. He produces the record of acquittal; yet, by the decision of Judge COWEN, the *Judge who tried him* would refuse to look behind the indictment, would refuse a discharge, and remand him to prison to wait the sitting of a court, there to go through the form of producing before a jury the record of his former trial and acquittal!

Judge COWEN fancies that he has cited a case even stronger than the one we have supposed, of a second indictment of Robinson. He says:

"In Rex *vs.* Acton 2, Str. 851, the prisoner had been tried for the murder, and acquitted. Afterward, a single justice of the peace issued a warrant, charging him with the *same murder*, upon which he was again committed. On an offer to show the former acquittal in the clearest manner, the court refused to hear the proof. On the authority of this case, Mr. Chitty, at the page just cited, lays down the rule that the court will not look into extrinsic evidence at all."

Now this case is stated by the Judge entirely wrong. The person was not arrested for the *same offence*. The defendant was the keeper of a prison, and was indicted by *four* several indictments for four several murders, and the question on the trial was, whether a place called the *strong room* was a proper place to confine disorderly prisoners in, the four prisoners having died whilst so confined. The jury acquitted the defendant. A single justice afterwards, upon a *new information* of a *fifth* person having been put into that room, and dying, thought fit to commit the defendant again for a *fifth murder*.

The court refused to bail the defendant, and he remained until the Assizes; when no bill being found, he was discharged.

Thus, instead of being, as Judge COWEN supposed, a commitment a *second* time, after acquittal for the *same offence*, it was for an entire *new offence*. We cannot but express our surprise that the Judge should, even if he had found such a monstrous case, cite it with approbation.

Suppose a person in 1816 had been arrested and *indicted* for murder and arson, committed in the attack on Buffalo, by the British, during the war. Suppose such person brought up by habeas corpus before the Supreme Court, claiming the impunity of a soldier in time of war. Could the court say, we are satisfied that you cannot be guilty of murder, but as the grand jury have found an *indictment*, we are precluded from looking into the matter, and you can neither be discharged or let to bail, but must remain in prison until the proper court sits for your trial?

Such are clearly the doctrines of Judge COWEN. He says:

"It is proper to add that if the matters urged in argument could have any legal effect in favor of the prisoner, I should feel entirely clear that they would be of a nature available before the jury *only*. And that according to the settled rules of proceeding on *habeas corpus*, we should have no power *ever* to consider them as a ground for discharging the prisoner."

Now, instead of such a rule prevailing, we have seen that in numerous cases, both in this country and in England, prisoners have been let to bail after indictment for murder and other crimes of the highest grade. We have also seen "that after a man has been *convicted* of felony, upon evidence by which it plainly appears to the court he is not guilty, he will be let to bail."

In the famous conspiracy cases in the city of New York, after the Lamberts had, by writs of error, reversed the judgments against them, Hyatt and Mowet, who were under *sentence* and suffering punishment, by *separate* indictments and convictions, applied to the Supreme Court, and were *discharged on habeas corpus*, without being put to their writs of error to reverse the judgments.

The true rule upon the subject of bail or discharge, after indictment for murder, undoubtedly is, for the judge to refuse to bail or discharge upon any affidavits or proof that is *susceptible of being controverted on the other side.* When, however, the prisoner's evidence is of that positive and certain character that it cannot be "*gainsaid*," then the prisoner is entitled to be bailed or discharged, as in the case where the man supposed to be murdered is living; where the prisoner has been tried and acquitted of the same offence; or where the supposed murder was a homicide committed in a war between two nations.

As applicable to the case under consideration, if the attack on the Caroline was authorized and sanctioned by the Canadian authorities and the British Government, the evidence of such authorization furnished by the British Government and the United States is of that conclusive and record character that it cannot be controverted at the trial. If produced at a trial of the indictment, it would show a state of war between the two countries of the "*imperfect sort*" stated by Rutherforth, but nevertheless a "*lawful war*," which furnishes, under the law of nations, an impunity to McLeod, a soldier engaged in it. If such would be the effect of that evidence on a trial of the indictment, then, on *habeas corpus*, the same incontrovertible evidence authorizes a discharge by the court.

Another ground upon which the application for a discharge ought to have prevailed is, that our own *Government* has settled the character of this hostile attack. It has *decided* it to be an "*imperfect sort of war*," and that "individuals concerned in it ought not to be holden personally responsible." That decision being, as we have shown, binding and conclusive upon courts, the prisoner ought to have been discharged on his *habeas corpus.*

We here dismiss this subject, hoping, for the character of our country, that the judgment of the Supreme Court may be reviewed, and an opinion so unsound in all its parts, as we conceive Judge COWEN'S to be, rendered nugatory as an authority for the future.

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ADDRESS

BEFORE THE

AMERICAN INSTITUTE,

AT THE CLOSE OF ITS

FOURTEENTH ANNUAL FAIR,

On the 26th of October, 1841,

BY

GEN. JAMES TALLMADGE,

PRESIDENT OF THE INSTITUTE.

PUBLISHED BY ORDER OF THE MANAGERS.



NEW-YORK:

HOPKINS AND JENNINGS, PRINTERS,

No. 111 Fulton-street.

1841.

New-York, Nov. 21st, 1841.

Gen. James Tallmadge,

Dear Sir:

The undersigned having listened to your Address at the close of the 14th Annual Fair of the American Institute, and deeming the views taken by you, together with the facts set forth on that occasion, of too much importance to the great interests of our country, to rest upon the summary, and for the most part, incorrect reports of the same, which appeared in the public newspapers, avail themselves of this first opportunity since your return to the city, of soliciting a copy of that address from you, for publication.

Respectfully your obedient servants,

Adoniram Chandler,
T. B. Wakeman,
Rosewell Graves,
D. Henderson,
Charles F. Howell,
Geo. C. De Kay,
L. D. Chapin,
John Campbell,
W. P. Dissosway,
John Travers,
B. Gardiner,
Geo. Bacon,
Edward Clarke,
Alfred Stillman.

New-York, Nov. 26th, 1841.

Gentlemen:

The reports which I have seen of the Address at the close of the Fair, are certainly imperfect and different from what I intended, and supposed I had delivered. My object was to show the necessity for *Equality and Reciprocity* in trade, and that the commercial regulations of other governments, not having been countervailed by ours, had occasioned the depression of the labouring classes, and the derangement of our currency, financial concerns, and navigation.

The address was spoken extempore, with a general reference to the documents and facts before me.

A summary of the address is now sent, and submitted to your discretion.

Very respectfully,

Yours, &c.

JAMES TALLMADGE.

To Adoniram Chandler, Esq. and others — Committee, &c.

ADDRESS.

FELLOW-CITIZENS:

WE rejoice to meet you on this 14th Anniversary of the American Institute. It has been our lot very often to meet you on these occasions; and always, on our part, with increasing satisfaction. It is with exulting pride we find we have your marked approbation of our whole course.

The American Institute was incorporated many years since, for the purpose of advancing the AGRICULTURE, COMMERCE, and MANUFACTURES of our country. It avows itself alike the champion of each, but in particular and especially of commerce. It is the interest of the country to do justice to her commerce. Secure to that an open trade and unrestricted enterprise, it will in return not only build up a commercial marine, and establish our naval strength, but will provide a market for agriculture and manufactures, which will be sufficient, and all they ask, for their protection and indemnity.

We have a country unsurpassed in its advantages by any other portion of the globe; and blessed with a government, soil, and climate, unequalled by that of any other. Look at the mighty progress we are making in internal improvements. Already this country, which led the way in canals, has 3,700 miles of canal navigation, pouring in its abundance; and 4,500 miles of railroad. Thus we have about 8,000 miles of these useful public works, equal in value to about $160,000,000, expended for the benefit and happiness of the whole people. No country on earth, ancient or modern, can produce any thing in physical achievements at all comparable to this. How different, and how much better is this, than those monarchical and despotic governments which waste their revenues, and can boast only of their columns to heroes, pyramids to kings, and marble palaces, standing as monuments of the oppression and subjection of the people from whom such abundance has been wrung.

We have had, during the progress of the present Fair, addresses delivered on various subjects of public interest, and especially on agriculture and the culture of silk. You have, on our previous anniversaries like this, been addressed by the wisdom and the learning of the land: by a Baldwin, a Burges, an Everett, a Davis, a Kennedy, a Southard, a Webster, and many others: in fact, orators have preceded us, and facts and circum-

stances have been adduced by them, espousing and illustrating the principles of encouragement and protection to the great interests of agriculture, commerce, and manufactures. They have so brought their eloquence and reason to bear, that I venture to say, there is not a book extant, combining at one centre, and containing so much intelligence in the same space, on these subjects, as the desk of the American Institute.

My purpose on the present occasion, is to call your attention especially to COMMERCE and its attendant consequences. It is perhaps sufficient for the purposes of the country, and in gradual advancement; but *it is not what it ought to be*. The extent of our country, its benign and varied climate, with its exuberant and virgin soil, has fitted it for every production and every pursuit. The genius and irrepressible spirit of our people have a course that is onward. They aspire to active pursuits and deeds of enterprise as the price of success, and their claim to prosperity.

Internal commerce is not what of right it ought to be. Our increasing population, and the superabundant productions of our land, push it forward to a state of partial prosperity. But it bears no just proportion to the advance of internal improvements, and what the attendant circumstances of the country invited it to become. Providence has showered down blessings upon us. We have been spared from the great scourges of mankind; either war, pestilence, or famine. Yet our country is despondING and suffering under embarrassments.

Agriculture is abundant, but has no market! Manufactures withering, and at a stand. Labour depressed. This strong arm of supply and defence is not employed and protected as it should be. The Revenue is diminishing, the Treasury exhausted. The Currency deranged, and credit destroyed. Foreign commerce is growing on us at an, alarming extent.

Is it not time that we should arouse the attention of the Government to these facts, and warn it of our condition?

The causes leading to such disastrous results, are worthy mature consideration. We cut the following article from a city paper, we believe from the Journal of Commerce of September:

"The Revenue law will go into operation on the 1st proximo. It may produce changes in the state of our trade, of which the extent cannot yet be foreseen. At present, our trade with the Continent of Europe, and with France particularly, is in a condition which, it would seem, unwise legislation can alone have brought about. It is almost altogether in the hands of foreigners. Of the packet-ships recently arrived from France, with very valuable cargoes, *four-fifths* of these, certainly, and perhaps *nine-tenths*, were for foreign account, or consigned to foreign houses here. With the intelligence, industry, and enterprise of the American merchant, it is quite impossible that any *equal* competition should have shut him out so completely from the French trade; and therefore it is, we say, that unwise legislation must be at the bottom of it.

"In anticipation of the new duties on silks and other merchandise, the produce of France, now free, very large assortments have arrived and are

arriving. So that the calculation of revenue from this source will, for the first portion of the current fiscal year, be disappointed, the country being stocked with free goods."

Yes, fellow-citizens, "unwise legislation" has crippled the energies and the resources of the country. "Our trade is in a condition which unwise legislation can alone have brought about. Nine-tenths of the importations from France are on foreign account. The same may be said as to importations from England, and from Germany. We are advocates for free trade. We have opened our ports to the productions of foreign countries. We receive foreigners with open arms, and extend to them all our civil rights and privileges, but are not willing to become their inferiors in this land of our birth. This monopoly by them of our foreign trade, and of importations, must have *a cause*. If it does not spring from, it is sanctioned and tolerated by, our own "unwise legislation." It is high time our government placed us on a footing of equality with other nations. Foreign goods are imported on foreign account, accompanied by a foreign agent, or consigned to one previously stationed here, to hold possession of the goods — to sell them — draw the specie, and remit the proceeds by the return packet. Our regular merchants pay taxes and rents, and may look from their stores to witness what they severely feel, the facilities afforded to this process of foreign trade. The American importing houses have been superseded, and but few of them remain. This change in the course of the importing trade, is declared by foreigners to be necessary, as a consequence of our bad currency and loss of credit. The diminution of our imports at the present time, compared with our exports, comes not from any salutary measures, adopted by our government, but arises from our former great indebtedness, and the present doubtful safety for further liabilities. The most visionary nullifier, could not ask a better illustration of the effects of our late public measures, than these facts present.

If our government did not before know, it was informed by despatches from the American Minister, General Cass, Oct. 28, 1839 —

"That in 1836, France imported into the United States, value, 238 millions of francs. She received as imports from the United States, value, 110 millions of francs." The balance paid in specie.

Again:

"All the exportations from France to the United States, are manufactured articles; none of them giving employment to American manufacturers. The articles imported into France from the United States, are in their natural state," — (raw materials.)

Again:

"Two-thirds of all the importations introduced from France into the United States, are free of duty. *Not one* article imported into France from the United States is exempted from duty. The great American staple, *cotton*, imported into France, pays a duty of between four and five per cent. upon its value more than Egyptian cotton, thus far operating as a bounty in favour of the latter. Upon *silks* imported into the United States from

countries east of the Cape of Good Hope, a duty of ten per cent. is levied, while French silks are free of duty: a regulation which has driven the India and China silks from the American markets, and which operates as a bounty upon the introduction of French (and English) silks; a product constituting almost one half in value of the amount of the importations of the United States from France."

This despatch added — "It will be useless to pursue the matter in any other way, than by announcing to the French government at once, a determination to render the commercial intercourse between the nations, *perfectly reciprocal, by countervailing regulations*, and of adopting those without delay; if the concession demanded is not immediately made."

In a despatch of General Cass to our government, February 13, 1840, it is said: "We have no reason to expect any favourable change in the system of tobacco admininistration in France, by which our tobacco can be admitted upon anything like a principle of reciprocity, unless we are prepared to change our mode of application; and to enforce, by our own laws, that equality of which we are deprived. I have endeavoured to give a general view of the commercial relations existing between France and the United States, and to point out the inequality which exists — an inequality resulting from the laws of France, and which is so great, that our exportations to that country do not exceed one half of our importations, and the balance must be remitted in specie."

Again: — "The history of modern trade scarcely exhibits and instance of greater inequality, than the commercial intercourse which now exists between the United States and France."

It may be asked, what our government did, upon despatches containing such extraordinary and momentous facts? The answer must be, NOTHING!! The long and yet continued duty of 10 per cent. on China silks, as a bounty upon the importation of French and English silks, is matter for curious and interesting inquiry.

As the greater portion of our commercial business is with England — we must proceed more particularly to speak of her; reminding you, that our commercial business and regulations with France and Germany, are much upon the same disadvantageous condition as with England. She is the principal cause of the present inequality of our commercial intercourse with the nations of Europe. She is a sea-girt isle, and justly considered the gem of the ocean. Her unrivalled position and her attention and superior commercial policy, has enabled her to hold her own trade; and she is busied to gain and supplant ours. We were once her colonies; but by the strength of our arms, and the wisdom and virtue of a Washington, we freed ourselves. She has since gone on colonizing the world by her commercial regulations; and by our own "unwise legislation," she has again reduced us almost to a colonial condition. Her measures have been, her corn-laws; (to name them is enough;) her colonial system, and discriminating duties, to encourage her own commerce and depress that of other countries. All these proceedings have been left years past, by our government unresisted

and without measures of retaliation. We have with her a treaty of reciprocal navigation; under which she has flooded us with her manufactures; and in return, takes little or nothing from us: she drains us of our specie and even of that obtained by other sources of trade; and yet prohibits, by rate of duties, every article we can send her in return, but cotton. Political quacks may put plans of finance and currency upon paper as often as they please, and call them Bank, Sub-Treasury, or any other name of delusion. *No bank or currency can stand: there is no commercial condition of a country which can be sound and healthy, "unless we render the commercial intercourse between the two nations equal, by countervailing regulations."*

Let the treatment of American tobacco in the markets of Europe illustrate the condition of our trade in England, and which is also in substance the same with France and Germany. The duty in England on leaf tobacco, is 3*s.* sterling per pound, which is about thirteen hundred per cent. on the cost. Tobacco stemmed and pressed in casks, is called "manufactured," and the duty is 9*s.* sterling, or about two thousand per cent. on the cost. This whole subject of tobacco will be best disposed of by a reference to a "*Report on the regulation, etc. etc. of foreign countries on tobacco, by Joshua Dodge, late Special Agent of the United States of America to Germany, March* 16, 1840." The Report concludes with these astounding remarks:

"*Europe levies a revenue of about* $30,000,000, *on about* 100,000 *hogsheads of American tobacco, which cost in the United States about* $7,000,000."

"*England alone levies about* $17,275,700, *on about* 18,000 *hogsheads of our tobacco, in the form of duties, excise, licenses, etc.; being equal to about two-thirds of the expenses of their navy; and about equal to the whole expenses of the government of the United States of America.*"

Look at the article of *rice*. The cost being $3,25 per cwt., the duty is 15*s.* sterling; and more than the value of the article. This is to encourage the rice of their East India possessions.

With all due deference to *nullification*, the American Institute maintains, that the southern planters, who have *tobacco* or *rice* lands, are entitled to the full benefit of their production, and ought to be protected in a market; and the full benefit of their crops ought not, by the neglect of our government, to be given over, for such enormous profits, to foreigners.

Flour is met by prohibitory duties. The article of salted *pork* is subject to a duty of six dollars per barrel; and fresh pork is prohibited; to aid their agriculture. *Lumber* is subject to a duty of prohibition, in American vessels, in order to support their shipping interest. *Shingles* are charged with a duty of $3,25, in American vessels; and, in many cases, trading vessels are admitted from their own ports and colonies nearly duty free, and thus breaking up the fruits of the voyage.

In addition to such numerous facts, England is now busy endeavouring to render herself independent of us soon, in the article of COTTON. She will soon be enabled to place it on the footing of tobacco. She has, about two years since, purchased our *cotton gins*, and hired men from this country

upon liberal salaries, to go out to India, to teach the natives how to raise and produce cotton. She sent out for this purpose, at one time, 105 barrels of *cotton seed*, obtained from this country, with steam engines and other necessary implements; she is also encouraging its growth and production in Egypt, in Brazil, and in Texas. The climate and soil of these countries, are congenial to the production of cotton; and Great Britain is teaching them the art. Colombia, in South America, has sent to this city, orders for Sea Island cotton-seed; in hopes to rival South Carolina in that unequalled production of the world. The beginning results of these measures already appear in the late British price currents; we see it stated that 70,000 bales of cotton had arrived from India, and had lessened the price of cotton in the market. Another British price current states:

"Imports of *American* cotton, ...	792,230
Last year, ...	1,116,202
Decrease — bales, . . .	323,972."

The course of trade and commercial regulations, is the cause of our great indebtedness abroad; of the balances of trade, almost uniformly against us, and the consequent continued drafts upon our specie. I took from a city print, the last of September, this notice:

"The specie shipped in masses, is as follows: —

Gladiator, for London, ...	$230,000
Louis Phillippe, for Havre, ...	346,000
Great Western, for Bristol, ...	271,340
Akbar, for Canton, via Liverpool, . . .	250,000
	$1,097,340."

Although this shipment was for a single week, it may, perhaps, be substantially correct to consider the drafts on us for specie, as equal to one million of dollars per month, and exhausting the specie we derive from other sources of trade. It is now ascertained that since July, seven millions of specie have been sent out to France and England, and almost entirely for untaxed luxuries. *No currency, or banks, or agriculture, or manufactures, can stand up and prosper, under such a condition of commerce.*

Among the effects of those measures, are — the derangement of commerce; the drawing away specie; the depression of internal commerce; the destruction of labour; and, above all, the alarming and ruinous increase of American commerce, in *foreign vessels*.

The Edinburgh Review, for July, 1840, endeavouring to show the interests which would be sacrificed in a war with the United States, says:

"On the average of the last four years, the proportion which the tonnage of ships from the United States, entering the ports of the United Kingdom, bore to the tonnage of our whole trade inwards, (including coasters,) was as *one to nine and a half*. And the corresponding amount for the United States, shows that the tonnage employed in the trade with the United Kingdom, is no less than *one-fourth of the whole tonnage employed in the foreign commerce of the Union*."

The documents sent to Congress on 2d March, 1841, show the tonnage and vessels which entered the United States in 1840:

"American vessels,	No.	7,211.	Ton.	1,576,946
Foreign " "		571.	"	712,363."

Thus showing, one-third of the American commerce, in number of vessels and tonnage, is in foreign bottoms; and principally under the British flag. This is by reason of the discrimination and advantages of a market, given by other governments against our commerce and carrying trade. British vessels visit, with facilities, our Eastern ports, and take our produce by way of Halifax and Brunswick, to foreign markets, which are closed, by high duties, against American vessels. It is thus that five-sixths of the commerce of MAINE is in British vessels; as is also two-thirds of the commerce of Georgia. The table of the tonnage of that State is:

"American,	23,204
British,	41,721."

In April last, I went up the Savannah river. There were then eleven large English ships lading with Georgia timber. No American vessel.

If such an undue proportion of our commerce, carried on in foreign vessels, to the exclusion of the American flag, is beneficial either to the particular States, or to the nation; the Chesapeake, the Delaware, and the Hudson, ought to be opened to a participation of the benefits. But if not, the subject has long required the action of Congress, and calls for a just protection to our own carrying trade.

The commerce and navigation on the Western Lakes, exhibit a case yet more extraordinary:

"*Lake Ontario.*	Vessels.	Tonnage.
American,	599	63,517
British,	1,011	215,080
Lake Erie.		
Detroit — American,	7	593
" British,	155	12,000."

Buffalo, *Cleaveland*, and other places, seem to be omitted; and the tables are too imperfect to state the commerce of the Upper Lakes. It is, however, matter of public report, that some of the principal flouring mills at *Oswego*, and other places, are grinding on *Canadian* account. One line of transportation had eighteen schooners, busily employed in carrying flour to *Kingston*. It is there branded, as Canadian manufacture, and passed down the St. Lawrence, to be carried in British ships to a foreign and rival market. At *Cleaveland*, it is known, there are several Canadian houses, and houses with Canadian partners, engaged in the *produce* brought by the *Ohio Canal*. Their operations are so extensive, that many of them have steam engines to unload from canal boats, and to reship in vessels for *Kingston*. One among the many letters, appearing in the public prints, will best tell the course of this British business in American produce, and from which American vessels are excluded, by discriminative duties:

[Extract of a letter.]

"CLEAVALAND, September 26, 1841.

"Six thousand barrels of Western Canal flour were sold here to-day, deliverable at Kingston and Prescott, in Canada, by Oswego and Ogdensburg millers, on terms equal to $6, cash here. 1300 bushels wheat sold to-day at $1,15 which is the top of the market. The stock of wheat here must be large, but holders are not disposed to submit to heavy losses yet.

"P. S. Evening — 2000 barrels more Oswego flour sold, deliverable at Kingston, at a fraction below the previous sales."

The store-houses in *Kingston* are not large enough, and shantees are built to hold the American produce, sent there to be reshipped and compete with our vessels and commerce in foreign markets. Much of the produce of eleven States and Territories, bordering on the Lakes and western waters, is thus diverted and sent down the St. Lawrence, checking the free commerce of this city and country, and goes to aggrandize our naval and commercial rival. In vain did Perry fight, with matchless valour, for the mastery of the Lakes. The one ship which "headed off," from the line of battle, and would not join in the fierce fight, must have been gifted with *second-sight*, and foresaw the inutility of conquering in war, that mastery which was so soon, and so ingloriously, to be surrendered in time of peace.

The tolls on the Welland Canal suddenly rose from £12,000 to £50,000 sterling; and the tolls and freight of the New-York Canals fell a corresponding amount, after the treaty with England, which sacrificed to us the West India trade. That Canal aided to divert much of the trade of the Upper Lakes; and her commercial regulations have secured to England also, the transportation and market of this portion of American produce.

It is one of the commercial regulations of England, that American produce, arriving at a port of her colony, is *naturalized* as Colonial produce, and may be re-shipped in British vessels to the mother country, or to any other colony, or foreign port; while a like voyage is prohibited to an American vessel. It is thus that a large portion of the produce of the States, bordering on the Lakes, on being sent across, to any British settlement, becomes naturalized; and is sent, by the way of the St. Lawrence, to foreign markets, in British vessels; — thus encouraging ship-building, and the shipping interest of England, and furnishing an effectual nursery for British seamen. It explains why five-sixths of the commerce of Maine, and two-thirds of that of Georgia, and now nearly one-third of the commerce of the United States, is carried on, and increasing, in British vessels. It tells this country, why her labourers and mechanics are unemployed; why the amount of New-York ship-building is lessening yearly; why many of those she has, are unemployed, and her general prosperity is unequal to the advantages of her situation and enterprise. Add to these circumstances the countervailing and prohibitory duties of England against the agriculture and the commerce of this nation, all disregarded and supinely acquiesced in, by our own government, and the present depressed and disastrous condition of the currency and the country cannot be misunderstood. The balances of trade

against us the last six years, is nearly three hundred millions of dollars, for articles which could have been manufactured in this country; to say nothing of the two hundred millions of State stocks sold in Europe in the same time. How mysterious it is that our finances and currency are deranged, and business depressed!!! Congress and our Government have been tinkering at the system of banks, while they shrink with dread from looking at the real causes.

The injurious effects of these measures on New-York alone, are worthy of consideration. In 1835, the freight which came to tide-water, on the New-York Canals, was 753,191 tons, and required over 1,400 vessels, of 500 tons each, to transport it to this city and to a foreign market. It gave life and activity to our towns and cities, by a continued employment and an increasing demand for labour, materials, and mechanic skill; and formed an important item in our domestic and foreign commerce. The tolls, business, and freight on our canals have been greatly lessened by this diverted trade. The diminution exceeds in amount the growth and increasing production of the West.

The statistics of ship-building, for 1840:

	Vessels.	Tons
"Maine, there were built,	181	38,936.
Massachusetts,	113	17,811.
New Jersey,	103	
Maryland,	111	
New York,	72	13,786."

Thus showing the comparative condition of your commercial emporium. It has been diminishing in amount for the last several years. How could it be otherwise, under the commercial regulations of other governments, and almost the abandonment of our own? In common with the nation, it has claims for relief and protection in its just rights and pursuits.

SPAIN deems it correct and wise, to follow illustrious precedents. She too *naturalizes* the produce of other countries, in order to command its carrying trade in her own vessels. Our cotton is prohibited going to Spain in American vessels; while, if sent to her colony of CUBA, it is there naturalized, and then shipped in Spanish vessels to the mother country, or a foreign market. A considerable commerce of this kind is now carried on from Havanna; to the loss of New Orleans and to American vessels. Our government yields to all this. It ought to support our trade and commerce, or withdraw like the Chinese, and be ready in our turn, to be murdered, because we will not eat opium.

The cotton of *Texas* and the *Red River* would come to New Orleans, as its port of business, deposit, and shipment for market; but a duty amounting to prohibition against foreign cotton; as a protection of this staple of the Southern States (and which oppose its extention to the staples of other states,) compels it to turn aside into the Gulf of Mexico. New Orleans suffers the loss of its business, and American vessels are deprived of its carrying trade.

Much is said about free trade. England sends books on Political Econ

omy for us to use, but not to be regarded by herself. Our government has gone on giving free trade, without any return, till an empty treasury has compelled it to resume duties for the sake of revenue.

In 1834, by the official statement to Parliament, the quantity of leaf tobacco imported from the United States was 37,804,871 *lbs.* the duty on which, at 3*s.* sterling per *lb.* would amount to $27,219,507. According to Mr. McCulloch, the *discriminating* duty between tobacco raised in the *British Colonies*, or the United States, is 3*d.* sterling, or 6 cents per *lb.*; being equal to the price of Virginia and Kentucky tobacco in the London market, (in bond,) according to the same author, in 1834.

The duty levied on POT AND PEARL ASHES imported into Great Britain from the United States, is 6*s.* sterling, or $1,44 per *cwt.*; while from British Colonies ashes are admitted *free of duty*. The effect of this has been to drive the trade in ashes from the northern states to Montreal and Quebec, whence they are carried to England in British vessels. Thus in 1834 the imports of ashes from the British Colonies, (Canada, &c.,) were 84,937 *cwt.* and only *one cwt.* from the United States.

In 1838, England raised, by duties levied on COTTON from the United States, $2,434,949, while she prohibits, or burthens with heavy duties, every article of our agricultural produce. Foreigners, and agents for foreign business, may well *huzza!!* for such a FREE TRADE. It is according to the English book. Will any person with American feelings join in such a clamour?

It is not true that the *American Institute*, is an advocate for a HIGH TARIFF. It maintains *equality* and a *perfect reciprocity* in trade. It proposes to offer to other governments, free trade, equality and reciprocity. Our business is to offer to England and to France to come to some agreement, for a just and equal trade; to take our tobacco and rice on equal terms; to make American productions free, and reciprocal: and if this is refused, to adopt countervailing regulations, as a defence against their unjust measures; and to put on their broadcloths, silks, and manufactures, the like duties they put on tobacco and the agriculture of our country. Their aggressions, to be our rule of resistance.

It is the object and wish of America, to walk in the paths of peace. Give a clear deck, or an open field, and she will ask no favours of the world. But with all our keen sagacity, and what with politics and president-making, our country is not going in advance, as she ought, with all her natural advantages. With keen and vigorous governments abroad, careful of their interests; and with party rulers here at home, intent only on their places and party discipline, it is no matter for wonder that currency is deranged, commerce depressed, and, in short, all the concerns of the country embarrassed.

These things explain why, among other things, our commercial marine is languishing. Strife may come and find our marine deranged and our hardy seamen driven to other pursuits, and one half of the trade of our

country in possession of foreigners. War may come, and we may blow the trumpet, and call for these naval heroes in the hour of need, to "hold their steady march upon the mountain wave," and they may not be within our call; and all this too, while it is the declared policy of our country to encourage navigation; and especially long voyages, as a NURSERY FOR SEAMEN. For this object a bounty is paid on the fisheries; and drawbacks allowed on the re-exportation of foreign articles. The amount does not appear in the table, but is believed to be nearly equal to one million of dollars.

In the face of such facts, the last revenue bill has surrendered the China trade to British shipping!! Tea *from China*, was before, and has been a long time, duty free, in American vessels; and ten per cent. duty if in foreign vessels. In the last revenue bill this little discriminating duty of 10 per cent. is repealed, and it enacts, that tea shall be duty free, "from China," or "ANY OTHER PLACE." This must be in favour of British shipping; and in compliment to a duty of two thousand per cent. on our tobacco, and duties operating as a prohibition against rice, flour, and the productions of our agriculture, unless diverted to those channels, giving the carrying trade to British vessels. The old stale teas of British stores, are now to be sent to this country in British vessels, *duty free.*

While we gave to France a free trade in her silks, wines, and luxuries, as a reward for the embarrassments inflicted by her, on our commerce and agriculture, we have yet continued the duty of 10 per cent. on silks from beyond the Cape of Good Hope, which operates as a tax on us, and as a bounty on the silks of France and England.

With the protecting duty long since allowed on New Orleans sugar, a *bounty* was given, in the nature of a *drawback* on the importation, refining, and exportation of foreign sugars. When the duty was diminished, the bounty *remained unregarded.* This omission did not offend nullification, as it only greatly increased the exports of Cuba, created a few millionaire refiners in this city and in Boston; and presented the rare circumstance of a bounty paid by this country for supplying Russia with West India sugar! — The last Congress, in mercy to the empty treasury, repealed this bounty, so far, as to be only equal to the duty paid. Such a state of things could not have been the intention of any Congress or any administration; but engaged and engrossed as they are in president-making, and in squabbles of party politics, it is only their heedless legislation. They have not had time to insist on equality and reciprocity in trade, and take the proper retaliatory measures against the injurious commercial regulations of other governments. In olden times the messages of our Presidents dwelt on the support and condition of agriculture, commerce, and manufactures. In latter years, these subjects are deemed too unessential to gain admittance into such public documents.

We do not speak of any of these things as partisans. The American Institute belongs to no party. It censures all parties alike. Party spirit and the discipline of party, is the bane of our land, and the curse of our country. The Institute calls for support to our agriculture, commerce, and man-

ufactures, and to procure such legislation as will put us on an equality with other nations in all our commercial pursuits.

There is no defect in our institutions, or in the character of our people, which occasions the present depression of our concerns, foreign and domestic. We stand elevated in the eyes of the world for capacity to produce. If Russia wishes to build a vessel, she sends to New-York for one as a model. When she needs an imperial steam frigate, New-York is employed to build it. Spain also sends to New-York for steam-vessels of war. Is a cotton factory or a steam sugar-mill wanted, America furnishes it. Does Prussia need a flouring-mill, she sends to Baltimore for machinery. An American is selected as engineer, while Dantzic sends her citizens to Rochester to learn the art of grinding wheat. Austria sends to Philadelphia for locomotives. The Grand Sultan sent here for our Eckford to instruct them in ship-building, and for our Porter, to impart capacity and valour for their defence. When Egypt wakes up from her Pharaoh sleep and finds that the hands of her subjects and her bullock-mills are not the most perfect in the world for digging canals, she too sends for tools and steam-engines. When Texas wants machinery, she sends to Lowell and Patterson; and England — even England herself sends to Philadelphia for locomotives, for she can build nothing to equal them. It is only in our own country, that American genius and enterprise are not sustained and honoured.

Were there vouchsafed to us this free trade, or reciprocity which we ask, American productions, would meet the eye of the traveller in every country and clime. Even now an American peace-maker, built by the inventor, frowns from the ramparts of Constantinople. In saying a peace-maker, I do not mean a Quaker; their chaste and beautiful principles ill accord with this degenerate age. I refer to Cochran's repeating gun, which must soon come into general use. While we have such weapons to defend us, we need not fear to assert boldly our claim to reciprocity and free trade. This is not the only instance in which members of the Institute have been called abroad to superintend the building of inventions, the offspring of their own minds, and which will long stand as monuments of American skill.

Having, perhaps, hereafter no better opportunity to express the deep obligations which the American Institute feels under to the U. S. Naval officers on this station, I will improve it by saying that we should be most happy to reciprocate, and have looked about us for the means of so doing.

We can only offer you, gentlemen, in return our sincere thanks, and the beautiful nautical instruments which are now before you, manufactured by members of this Institute, which, by their near approach to perfection, will give you greater confidence in crossing the mighty waters; and should these fail which we offer you with one hand, we hold in our other a Francis Life Boat to succour and to save in the last extremity.

☞ The President then announced the delivery of the premiums, commented upon various specimens and individual manufactures; and the affairs of the exibition closed with music from the Naval Band.

☞ THE memorable "*armed neutrality*" of the North, under the auspices of the Empress CATHARINE, formed for the defence of "FREE TRADE," was overthrown in the wreck of the French Revolution.

"Russia was prosperous in 1816, '17, '18, and '19; but, fascinated with the theories of Adam Smith and J. B. Say, she adopted a new tariff in 1818, on the delusive plan of letting trade regulate itself.* In this tariff she abrogated her prohibitions, and lowered her duties. The country was immediately deluged with foreign goods, and in due course, drained of its specie, as we have been in past years, to pay for the surplus of those imports, which far exceeded its exports. The most disastrous consequences took place. Circulation was stopped. Distress and wretchedness overspread the land. The manufacturers, as was the case in this country, first fell victims to this mistaken policy. Agriculture next felt the shock; and finally, bankruptcy swept away a large proportion of those commercial houses whose cupidity had paved the way for the misery of their country."

The following statement of the sufferings of the country is taken from a circular of the Emperor of Russia, signed by Count NESSELRODE:— (published 1827:)

"To produce happy effects, the principles of commercial freedom must be generally adopted. *The state which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations.*

"From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but *experience, and more correct calculations, because they were made from certain data, and upon the results already known, of the peace that had just taken place, forced them soon to adhere to the prohibitory system.*

"*England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prusssia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe.*

"In proportion as the prohibitory system is extended and rendered perfect in other countries, *that state which pursues the contrary system makes from day to day sacrifices more extensive and more considerable.* * * * *It offers a continual encouragement to the manufactures of other countries — and its own manufactures perish in the struggle, which they are as yet unable to maintain.*

"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. *The evils which it details, have been realized in Russia and Poland since the conclusion of the act of the* 7-19 *of December*, 1818.* AGRICULTURE WITHOUT A MARKET, INDUSTRY WITHOUT PROTECTION, LANGUISH AND DECLINE. SPECIE IS EXPORTED, AND THE MOST SOLID COMMERCIAL HOUSES ARE SHAKEN. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs.

"*Events have proved that our* AGRICULTURE *and our* COMMERCE, *as well as our* MANUFACTURING INDUSTRY, *are not only paralyzed,* BUT BROUGHT TO THE BRINK OF RUIN."

* The tariff did not go into operation till 1820.

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DISCOURSE,

ON

THE OBJECTS AND IMPORTANCE

OF

THE NATIONAL INSTITUTION

FOR THE

PROMOTION OF SCIENCE,

ESTABLISHED AT WASHINGTON, 1840,

DELIVERED AT THE FIRST ANNIVERSARY.

BY JOEL R. POINSETT,

SECRETARY OF WAR AND SENIOR DIRECTOR OF THE INSTITUTION.

Washington:
P. FORCE, PRINTER.
1841.

CORRESPONDENCE.

WASHINGTON, *January* 5, 1841.

SIR: The undersigned Committee, appointed to make arrangements for the Annual Meeting of the National Institution for the Promotion of Science, and the delivery of an Address upon the occasion, in common with the large and highly respectable auditory who attended the delivery of your Discourse, on the 4th instant, have received the highest gratification from the able manner in which the duty assigned to you by the Society was performed.

Believing that no better mode of making known the objects of this Institution can be adopted than by the publication of your excellent Discourse, we pray that you will yield to our wish, by placing it at the disposal of the Institution for that purpose.

In expressing to you the highly intellectual gratification we derived from the delivery of your Address, we take the occasion to offer to you, in behalf of the Society and for ourselves, our warmest thanks for the service which, on this occasion, you have so ably rendered to the interests of the Institution.

We are, Sir, with great respect, your obedient servants,

ALEX. MACOMB,	ROB'T LAWRENCE,
N. TOWSON,	JNO. M. WYSE,
W. W. SEATON,	JNO. T. COCHRANE.
PETER FORCE,	

To Hon. JOEL R. POINSETT.

WASHINGTON, *January* 6, 1841.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 5th instant, requesting a copy of the Discourse delivered before the National Institution for the Promotion of Science, on its annual meeting.

In acceding to your request, which I do very cheerfully, I beg leave to express my grateful acknowledgments for the indulgent and very flattering terms in which it is conveyed, and to assure you, that it will be a source of great gratification to me to have, in any manner, contributed to the success of the National Institution for the Promotion of Science.

I have the honor to be, Gentlemen, respectfully, your obedient servant,

J. R. POINSETT.

Gen. A. MACOMB,	ROBERT LAWRENCE,
Gen. N. TOWSON,	JOHN M. WYSE,
W. W. SEATON,	JOHN T. COCHRANE, Esqs.,
PETER FORCE,	*Committee.*

DISCOURSE.

THE duty assigned me on this occasion is of such a character that I regret it has not devolved on some one more capable of performing it. To do justice to the subject requires more knowledge than I possess, and more leisure than I now enjoy; and I feel constrained to solicit your indulgence, while I explain the origin of the Institution for the Promotion of Science and the Useful Arts, and attempt to describe, as plainly and briefly as the subject will permit, its objects and importance.

The lovers of science, literature, and the fine arts, residing in this District, felt sensibly the absence of those resources which are found elsewhere, and are necessary for the attainment of knowledge. They were mortified to perceive that the great advantages possessed by the public authorities at Washington were neglected, and that, at the seat of Government of this great nation, there existed fewer means than in any other city of the Union of prosecuting those studies, which, while they impart dignity and enjoyment to existence, lead to the most useful practical results. They believed it to be their duty to arouse the attention of Government to these deficiencies, and, at all events, to address them-

selves to the task of supplying them, as far as could be done by their individual and combined exertions. For these purposes they have formed an association, and applied themselves to collect specimens of geology and mineralogy, and other objects of natural history, and, for the short period of its existence, the efforts of the Institution have been eminently successful. They have entered into correspondence with other learned societies, and have been encouraged to proceed by their approbation, and have profited by their generous coöperation. They have invited the assistance of their fellow-citizens in the most distant States and Territories, and hope, by their aid, to collect documents and facts illustrative of the early history of our country, specimens of its geology and of its mineral and vegetable productions, and, if not to preserve the animals and plants themselves, which are passing away before the progress of settlement and cultivation, at least to perpetuate their forms, and the memory of their existence. They hope to be able to illustrate these subjects and others connected with them by a series of gratuitous lectures, and entertain a confident expectation that numbers, whose duties compel them annually to assemble here, will view with interest collections of the natural productions of America, drawn from every State and Territory in the Union, and, becoming sensible of their utility, will contribute on their return to swell their amount, and to spread throughout the country a taste for literary and scientific pursuits.

The Institution for the Promotion of Science and the Useful Arts, will, as its name indicates, embrace every branch of knowledge; and its members, believing such

a combination essential to its success, have divided themselves into eight scientific classes, namely: Astronomy, Geography, and Natural Philosophy; Natural History; Geology and Mineralogy; Chemistry; the application of Science to the useful Arts; Agriculture; American History and Antiquities; and Literature and the Fine Arts. It is of these branches of science, and of some of their most important divisions, that it is my intention to treat, and to endeavor to explain their effect upon the physical, moral, and social condition of mankind.

During a long period the sciences were independent of each other in their progress. It was essential that facts should be discovered, carefully studied, well considered, analyzed, and classed, in order to obtain a knowledge of their causes and first principles, and, by that means, advance each science to a certain degree before their points of contact, the mutual assistance they afford, and the influence they exercise upon each other, could be fully understood. It is especially since the end of the last century that the progress of the human mind, in the study of the sciences, has so wonderfully developed their reciprocal relations—advantages due altogether to the alliance of the synthetic and analytic methods followed by Gallileo and his disciples, and systematized by Bacon. Thus it is that chemistry and natural philosophy have made such rapid progress. They cannot move forward one without the other; and they shed their light on physiology, on the arts and manufactures, and on every branch of natural history.

Not only do the sciences mutually aid each other, but the arts and sciences do so likewise. Some of the arts depend for their execution upon an intimate ac-

quaintance with the higher branches of science, if not in the workman, at least in the person who directs his operations; and there are important branches of science which could make no progress, if the philosopher who studies them had not found the arts sufficiently advanced to supply him with the instruments and apparatus of which he stands in need. It is especially to those arts which are susceptible of great perfection and exactness in their execution, that the sciences are most indebted. The brilliant discoveries in modern times in electricity, magnetism, optics and astronomy, and in chemistry, physiology, and natural history, would still have been in their infancy, if the arts had not provided the necessary astronomical and mathematical instruments, and the thousand ingenious inventions which furnish the philosophical apparatus of the scientific investigator.

The rapid and extraordinary improvements which the world has experienced, during the last half century, in commercial intercourse, in manufactures, and in all that contributes to civilization and to the comforts and conveniences of life, are due altogether to the application of science to useful purposes, and of the useful arts to the progress of science. In this march of intellect, so far as it leads to practical results, our country has kept pace with the most enlightened nations of the world, and, in many instances, the application of scientific principles to the most beneficial uses, has been effected by the ingenuity and great powers of combination of our own fellow-citizens. Every river valley, the shores of every inland sea, and the coasts of every ocean, are largely indebted for the advantages they now enjoy, to

the success of Fulton, in applying a well-known principle to the great purposes of navigation. Whatever may be the advantages which other nations have derived from this use of steam, (and they are doubtless great,) our own vast territories, watered as they are by noble rivers and extensive inland seas, received from it an impulse which advanced them centuries on their road to wealth and power. Labor-saving machinery, invented by our countrymen, is not only profitably employed at home, but is to be found in almost all the manufactories in Europe. But while the merit of fertile invention is accorded to us by all, we are reproached for not cultivating the principles on which these inventions themselves are based, and for neglecting some of the most important branches of science. M. De Tocqueville, who has so ably depicted our institutions, affects to consider America as being still a province of England, in this particular; and the absence of original efforts in literature, philosophy, and the fine arts, in our country, has led to the assertion, by others, that democracy is fatal to them; and that where its spirit spreads, they will take flight. Although these charges and assertions are much exaggerated, they cannot be altogether denied. It is, however, incorrect to attribute this to democracy, which, so far from being inimical to science, renders the mind independent in thought and action—invigorating and fitting it for any pursuit. The causes are to be found in the circumstances of the country, which compel men to enter early on the theatre of life: there is little leisure in youth for the acquisition of the exact sciences, and for men of more advanced age, the opportunities and means are too rarely

presented for the successful prosecution of such studies. The disposition is not wanting, and if we are behind Europe in the practice and knowledge of astronomy, geography, chemistry, geology, mineralogy, and all the branches of natural history, it is owing to the condition of our country, which requires all her sons to labor, and does not admit of a class of learned men of leisure; and in some measure, also, to the want of such an Institution as ours. For the success of these pursuits, a central establishment is essential, where the student from any part of our vast country, after passing through the usual course at college, if destined for a learned profession, may resort to receive instruction in the higher branches of science, and where he will find instruments, collections, books, and instructors, provided for his use, by the munificence of individuals or the patronage of his Government. And here I would remark, that some of these branches of knowledge, and the highest among them, cannot be cultivated and rendered extensively useful without the aid of Government. Astronomical observations, to be relied upon by the navigator, must derive a character of authenticity from the Government itself. Individuals may acquire a knowledge of the science, and possess the best books and instruments, and occupy themselves with this delightful pursuit: they may become good observers and make accurate calculations, but without the stamp of authenticity, which a Government alone can give them, navigators will not repose confidence in their tables. An observatory to be useful must be national; and it is a reproach to a people, second to none in commercial enterprise, and inferior to one only in the extent of their trade, to be

altogether dependent upon the calculations of others for the requisite tables to determine their position, and to trace their path on the ocean—to be obliged to borrow that knowledge, without which our fleets and trading vessels could not venture to lose sight of their own shores.

This Institution attaches the greatest importance to Astronomy. It stands in the first rank among the sciences, and may, indeed, be termed the only perfect science. It has contributed more than any other to the development of human knowledge, carrying along in its progress the physical and mathematical sciences, as well as contributing to the advancement of the mechanic arts, and, in this respect, acting as the pioneer of civilization. The science of astronomy has swept from the human mind the prejudices and terrors which were formerly inspired by eclipses and the appearance of comets; it has determined, with extraordinary precision, the duration of the day as an unit of time, and, counting from thence, the duration of the seasons to that of the solar year, and of the different revolutions of the celestial bodies; it furnishes to history the periods to regulate its calendar, and positive rules to fix the epochs of its chronology. Possessing the most complete knowledge of the dimensions of the solar system, it has reached such accuracy that it can determine at pleasure, and with perfect exactness, what has been the state of the Heavens at a given period in past ages, and what it will be in time to come. By this wonderful knowledge, the celebrated astronomical ephemerides are annually produced, by which the navigator finds the movements of the celestial bodies calculated for him

in anticipation, and by means of which he traces his course in the heavens, and directs his bark with safety towards the ocean's vast and uniform horizon.

When we reflect on the high degree of perfection to which astronomy has attained, the admirable theories which direct its practice, the numerous methods of calculation and observation it possesses, and the marvellous coincidence which exists between the results of the actual observation of phenomena with those announced beforehand, by means of these theories and methods, we are tempted to believe that this noble science has reached the utmost limit to which the genius of man can elevate it. So far, however, is this from being true, that at no period has the science been more vigorously pursued; at none were astronomers more numerous or more actively employed; and never have they united, in a higher degree, the power of genius with a profound knowledge of physics and mathematics, combined with ability in the use of the powerful instruments which the mechanic arts have placed in their hands.

The perfection to which I have described astronomy as having reached, relates only to the solar system—to that restricted space in the heavens occupied by the sun, the planets with their satellites, and the comets which visit it at distant epochs. The solar system composes the celestial universe peculiar to the inhabitants of this world, and is but a point in the infinite space filled with myriads of shining bodies, the desire to comprehend which is so much the more exciting and ardent, as it elevates the mind to the contemplation of the divine origin of all these wondrous works. Science is now occupied with persevering ardor in this sublime

study. It seeks to avail itself of the perfect astronomy of the solar system to comprehend that of the whole starry firmament, and, from the known dimensions of the one, to measure the unknown dimensions of the other, in the same manner as from the dimensions of the terrestrial globe those of the solar system were discovered. The researches on the parallax of the fixed stars, which leads to a knowledge of their distance with regard to us; the measure of their own movements, and especially that of the motions of the solar system; the system of double and groups of stars, the mutual relations of which would seem to afford evidence of the existence of other solar systems; the study of nebulæ; the changes which certain stars experience in the quantity of light which emanates from them; why stars, perfectly known and described in the astronomical catalogues, have disappeared from their places and been no more seen, while others have appeared in other parts of the heavens, where, if they had existed before, they could not fail to have been discovered; finally, what is the physical constitution of the universe, and what the universal law which governs it, are the mighty subjects now undergoing investigation—investigations which can be rendered successful, only by constant and precise observation of the phenomena of the heavens by means of the most powerful and exact instruments, aided by and kept on a level with the general progress of science and the arts, so that astronomical observations, profiting by an enlightened theory, may reach the highest possible degree of exactness.

The least civilized Governments have understood the necessity of prosecuting these investigations. Observa-

tions are making in every part of the world where human knowledge extends; and astronomy is fostered every where with that liberality and even magnificence which the grandeur and importance of the purpose demand. The labors of the astronomers of the present age are not sufficiently appreciated, because they are not seen and generally understood. They work, in the silence of the night, to produce results for future ages. It is only by successive comparisons, made at far distant epochs, of the state of the heavens, well observed and described, that the laws which govern the celestial universe will appear, as the changes produced by those laws operate on time and space. These labors will form a basis, a term of comparison for the future, as the labors of the ancients, although much more imperfect and limited, have served as the means of comparison for the astronomy of modern times. Less eclat, therefore, is awarded to this pursuit, and the public, dazzled by the frequent and brilliant discoveries in other branches of natural philosophy, does not do equal justice to those of the astronomer. The reason is, that the time has not yet arrived to bring to full light the fruits of their long and patient vigils; but at no epoch of history has astronomy, both theoretical and practical, counted among its votaries so many illustrious men, as since the commencement of the present century; at no period has the vault of heaven been explored with so much genius, profound knowledge, ability, and physical means, as at this day; and never has been commenced a monument to the glory of science and human intellect more sublime than that of which astronomy is now laying the foundation. Shall we not add one stone to this structure? Will we

expose ourselves to be denied our just title of a moral, religious, intelligent, and enlightened people, by refusing to inscribe the United States of America among the names of the civilized nations of the earth which will be found engraved upon the columns of this magnificent temple? Are we not a navigating and commercial people? Does not our flag float on every sea, and visit every accessible region of the world? And shall we not have our national observatory, our astronomical archives, and our celestial ephemeris? Shall we any longer leave our navigators exposed to the disgrace of acknowledging that, without the astronomical ephemerides published in Europe, they could not with safety navigate distant seas? I hope not. I believe it to be only necessary to point out to the intelligent people of this country the usefulness, not to say the necessity of such an establishment, for them immediately to appreciate the object, and, so far as the powers of the Government extend, to furnish the means to carry it into effect. I am aware that this has already been ably done in a report on the proper application of the Smithson bequest, presented to Congress, at its last session, by a gentleman with whom I am happy to be associated in promoting the progress of science. His long continued efforts to establish a national observatory will, I trust, be finally crowned with success, and I shall always reflect with satisfaction on having, on the first occasion that presented itself, seconded, however feebly, his liberal and enlightened views.

Second to astronomy in its importance to the wants and interests of navigation, and essential to those of commerce, is Geography; a science which equally re-

quires the fostering care of Government. In this respect it has been more fortunate than astronomy. The expedition of Lewis and Clark, undertaken by direction of Mr. Jefferson, and destined to explore the route across the Rocky Mountains to the Pacific Ocean, that of the brave and gallant Pike, and those under that enterprising officer and accomplished observer Long, still further to examine that portion of our territory; the coast survey which is now in progress under the learned and accurate Hassler; the exploration of the country lying between the Missouri and Mississippi rivers by that indefatigable and scientific traveller Nicollet; and the expedition under the command of Lieut. Wilkes, intended to explore unknown seas, to discover new sources of commercial enterprise, and to point out the dangers which beset the path of the navigator, while it sweeps from the charts those islands and shoals which have no existence, save in the imagination of former hydrographers; have been fitted out and supported by the Government, and have attracted the favorable notice of scientific men throughout the world. The Geographical Society of France speaks, by its President, of that expedition in the following term: "In calling your attention to the voyages round the world, and to other maritime enterprises which have, in our time, so largely contributed to the establishment and progress of geography, I have to observe, that it is no longer from our old Europe alone that these great expeditions set forth. The new world now rivals the old. The Government of the United States of America—of that nation which, in less than half a century, has taken a prominent station among the maritime pow-

ers—sends out, in its turn, an exploring expedition towards the Antarctic pole." There is every reason to hope that the results of this expedition will prove as useful and honorable to the nation as its conception was creditable to its authors. It is a remarkable fact, that three national expeditions on voyages of discovery and for purposes of science, were traversing the same ocean at the same period; the American and French squadrons being in sight of each other, in a stormy sea, on an unknown and ice-bound coast, and striving with each other for the honorable distinction of priority of discovery. We await with impatience the rich harvest of new scientific observation and physical facts which the return of our exploring squadron will bring us. Much, however, remains to be done for the advancement of geography in our country. The vast inland seas which form our northern boundary, covered as they are with vessels, and teeming with commerce, have never been explored by the hydrographer. The navigator sails over them with dread, for there exists no chart to warn him of the dangers he may encounter; and the works erected by Government along their shores for refuge in times of storm, are too incomplete to answer the purpose. As to the interior of our country little is known scientifically and accurately. It may be said that it is the province of the States to construct maps of their several territories. It may be so, but without some common centre, from whence uniform plans and instructions issue, State maps will be laid down upon different projections, and be wanting in astronomical accuracy. A map of the United States, to be useful, ought to be constructed upon an uniform plan, and under the

immediate direction of the scientific officers of the United States. Such a work is required by the best interests of the country. Its completion would develop the vast resources of our extensive possessions, enable the Government to comprehend all their relative advantages, and to open new avenues of commerce. It would aid the emigrant in his search after advantageous settlements, direct the merchant to the readiest route for the transportation of goods, teach the farmer where to seek a market for his produce, point out to the soldier whence to draw his supplies, the shortest lines of communication, and the best sites for encampment, or for the erection of permanent works of defence. In short, such a work would be eminently useful to all classes of our fellow-citizens, and contribute largely to the commerce and security, and to the rapid settlement and improvement of our country. All the Governments of Europe have been sensible of the importance of geographical knowledge, and trigonometrical surveys of every empire and kingdom are completed or in progress there. In those countries geography was first cultivated for warlike objects; their maps were originally military, and many of them are constructed with such minute accuracy, that armies may march and encamp, and sentinels be posted, with no other knowledge of the country than such maps afford. With their aid alone positions are chosen, and all the chances of war calculated in the closet as on a chess-board. By their means the statesman can determine on the expediency of opening a canal or of constructing a road, and becomes possessed of a perfect knowledge of the climate, the structure, and the physical resources of the country, the

interests of which it is his duty to watch over and promote. We are without any of these advantages; our maps are so inaccurate, that large amounts are sometimes wasted in attempting to construct roads and canals which are found to be impracticable, or which lead to no beneficial results when executed. So important is this branch of science considered, that the Governments of Europe have depôts of maps from the earliest ages, and that of France, especially, possesses an extensive collection, beginning at the thirteenth century. Societies, too, exist in their principal cities, who aid the Government, by preparing instructions for expeditions, whether for purposes of science or exploration, themselves giving premiums for maps and charts, and fitting travellers out at their own expense, and sending them to explore unknown regions. In short, these institutions spare no pains to encourage and promote the ends of science, and their success has been equal to their zeal.

Intimately connected with geography, and, indeed, forming a part of it until it was lately erected into a separate science, is Ethnography. It consists of the knowledge of the habits, manners, and customs of the different nations of the earth. Their food, their dress, their festivals, marriages, and funerals; the education of their children; the rank their women hold in society, by which the degree of civilization is so clearly defined; the division of labor among them; their mode of living, whether by hunting, fishing, or agriculture; their traditions, laws and manufactures, and other analogous subjects, make up this important branch of science.

Philology, regarded in itself as a science, is likewise a branch of geography. Although its chief object is, from the variety of languages which exist on the surface of the earth, to trace the history of mankind, it tends greatly to facilitate the commercial intercourse of the world. It is only within the present century that the various idioms of nations, not possessed of the art of writing, have been seriously investigated; but great progress has been made in the acquisition of this knowledge within that period, and not only vocabularies, but dictionaries and grammars have been published, of languages hitherto unknown except by name. Formerly, missionaries and traders alone paid attention to the languages of savage nations. The former, having in view only their own laudable objects, kept their works in manuscript; the latter confined themselves to a few meagre vocabularies, dispersed through books of travels, and of little use to the philologist. At length "the comparative science of languages" was instituted, and the philologists and learned societies of the United States have contributed their share to the promotion of this science, by making known the forms and character of our Indian languages.

The student of geography requires likewise to be well acquainted with meteorology and terrestial magnetism, the configuration of the earth, the distribution of heat, the movement of the waters of the ocean, the geological structure of the soil, and the geography of plants and animals, and to all these subjects the attention of the Institution ought to be directed.

It was proposed at the last session of Congress to establish magnetic stations, and to institute a series

of corresponding observations in the United States. Permanent stations for this end have been established by nearly all civilized nations; and not only have they been extended into Asia, Africa, and America, but expeditions have been undertaken to the Antarctic seas, for the purpose of pursuing these researches. Our exploring squadron was likewise furnished with the necessary instruments, and our officers instructed to avail themselves of every opportunity to make magnetic observations, while similar and corresponding observations were directed, and have been carried on, at Boston and at Washington.

We trust that the Government of the United States will not withhold its further coöperation, but will enable some of its officers to carry out the views of the learned societies throughout the world, and give its aid to the efforts now universally making to determine, with precision, the laws of terrestrial magnetism.

The enjoyment afforded by the study of Natural History is exhibited in the zeal with which the naturalist pursues his investigations. Poverty presents no obstacle, and distance sets no bounds to his pursuits. Pestilential climates and the savage wilderness amidst the glare of equatorial suns and the gloom of polar nights, are eagerly sought and explored as fields of new discovery. Toil, exposure, and physical ills in every form, are endured without a murmur, when engaged in examining the riches of nature, and when each step leads to a new and high enjoyment. The pure and intellectual gratification afforded by pursuits which tend to the progressive development of the wonders and beauties of the physical world, would seem to warrant the conclusion

that it is one of the purposes for which our faculties were imparted to us.

There are persons who entertain the opinion that the study of natural history is only an amusement, or the gratification of an useless curiosity. If they were to examine the subject more carefully, they would perceive that natural history is the basis of domestic and public economy, and that it contributes essentially to the prosperity of families and the wealth of nations, by the resources which its productions offer to agriculture, to commerce, to the arts, to manufactures, and to all the wants of life—that it is to the study of natural history that civilized man is indebted for the use and enjoyment of the best races of domestic animals, the abundance of his food, the variety of his drinks, the comfort and warmth of his clothing, the beauty and solidity of his furniture, the remedies which restore him to health, the metals which multiply his force and contribute to his defence, and for most of the luxuries and enjoyments of his existence. Cuvier, than whom no one was better able to give a correct opinion upon the advantages of this study, says: "The habit acquired in the study of natural history, of mental classification of a great number of ideas, is one of the greatest advantages of this science. It teaches method which may be applied to all other studies. He who has cultivated this science merely for amusement, is surprised at the facility it affords him in disentangling the most difficult affairs. It is," he goes on to say, "sufficiently extensive to satisfy the most powerful, and sufficiently varied and interesting to calm the most agitated mind. It sheds consolation in the bosom of the unhappy, and stills the angry waves of passion."

Natural history, agriculture, commerce, and the useful arts, go hand in hand; wherever the first is encouraged, the other branches, which depend much upon it for their support, will flourish; but wherever it is neglected or lightly regarded, the other branches languish and lose their value. How many substances of rare materials grow throughout this vast region which are unknown in the United States, but which might become articles of extended commerce, if every State in the Union would seriously set to work to explore its resources in the three great kingdoms of nature.

It is true that some of the States have set the example of geological surveys, and have made collections of mineral and geological specimens; but what, for the most part, has become of these collections? They are dispersed where neither the Government nor the people generally can make use of them. For the promotion of science and the useful arts, we require a central institution, in which all the natural productions of this vast territory may be exposed to public view, for the benefit of the people, and which may contribute to the advancement of the sciences, by affording the means of comparison with natural and analogous productions of other parts of the world.

Zoology presents a subject of more varied interest than any other branch of natural history. To be well acquainted with it, requires that the student should be versed in several other branches of science. He ought to possess a knowledge of human and comparative anatomy, and of chemistry, physiology, and geology, in order that he may understand the subject of fossil remains and the formations in which they are found.

In the early ages zoology was forced upon the consideration of man by his exposed condition and his wants. He was compelled to defend himself against ferocious beasts of prey; to domesticate the most docile and intelligent animals to aid him in his labors, and to hunt and destroy others for food and raiment. For these purposes he had to study the habits of beasts, birds, and fishes, and investigations, originating in necessity, gradually extended into a science. This study furnishes one of the most useful and instructive occupations for the mind.

Every branch of this science is of the highest interest, from the zoophites, the lowest order of animated creation, to the vertebrated animals, including man, the highest of the works of the Creator. The study of the physical structure and moral development of man is most curious and instructive, whether we trace him from the simple child of the forest to the perfection of his species, which he has reached by the cultivation of the arts of life and by the light of religion; whether we regard the circumstances which, in some situations, confine him to the hunter, or to the pastoral state, while, in others, they permit the full development of all his faculties as an agriculturist; or whether we contemplate the varieties of the species, from the Caucasian, from which we claim descent, to the American, the Mongolian, or the African. The uses of these studies, independently of the enjoyment their pursuit affords, are to be found in ministering to the wants and pleasures of man, and in prolonging his existence; for it cannot be doubted that the investigation of the comparative anatomy of inferior animals has contributed to a more perfect know-

ledge of the human frame, and to essential improvements in the medical art.

It is to the study of the zoology of America that the efforts of the Institution ought to be chiefly directed. No other country presents greater or more interesting varieties in the animal creation, and none more abounds in fossil remains. Many of the former are fast fading away before the hunters and trappers, who pursue them for food or for furs; and their extinction will solve the important problem, whether the hunter tribes can become purely agricultural, and maintain themselves by the sweat of their brow. The red man of our forests and the hunter tribes of South America, are, as far as I have been able to observe, different from the agricultural Indians that inhabit Mexico, Peru and Chile. The former are the descendants of uncivilized men, hunters like themselves, and whether they are susceptible of the moral culture of the agricultural race, remains yet in doubt; the latter, on the contrary, have tilled the earth, and subsisted on the product of their labor from time immemorial. Physically and morally these two classes have always appeared to me widely different, and I have doubted their having a common origin. The aborigines of Mexico, Peru, and Chile, were found by their European conquerors in a high state of civilization. In their knowledge of the useful arts, except the art of war, they equalled their invaders, and their agriculture was carried to great perfection, for Indian remains of extensive works of irrigation are still to be found in those territories. There exists evidence, likewise, of their having been inhabited, for centuries before the conquest, by a race still more highly advanced

in the arts of life; and even within our own limits, the tumuli of the West denote the existence in that country, at one period, of a superior race to that which the first white settlers found there. These are subjects which it is expected will engage the attention of the Institution, the examination of which cannot fail to shed light on our early history.

Geology assumes in this country a greater interest than elsewhere, from the vastness of the region, from the great extent of its contiguous formation, and from its being a comparatively unexplored field for scientific investigation. It is important to ascertain whether this portion of the world has, like that already examined, been subjected in its creation to great general rules of construction, or, if that order has been departed from, to know in what particulars. Such investigations have already been carried to some extent, but the results are not universally known; and the geologist cannot ascertain, with any precision, the laws which govern the formations of this portion of the earth, and the relative order of their distribution, without some central place where specimens may be deposited, facts reported, and all necessary information obtained. Sensible of the advantages to be derived from conferring together to compare facts and mutually to correct theories, the geologists of the United States lately assembled at Philadelphia, and separated, it is understood, with the intention of meeting annually. Wherever such combinations exist, they have produced the most beneficial results; and the existence of a museum of natural history here, will render

Washington the most desirable place of meeting for the scientific associations of the Union.

The great importance of geology is derived from its usefulness. There is scarcely a vocation in life which will not feel the value of and derive benefit from a competent knowledge of the geological structure of the earth. It will teach the miner to distinguish between deposits which are rich and such as are sterile in ores; in what manner they vary in different formations, as well as the varieties and peculiarities of the metals each produces; which are the most easily worked, and which furnish their own fluxes; where, from certain indications, the mineral vein may be pursued with every probability of success, and where its farther pursuit would result in disappointment, and waste of labor and capital. In short, the study of geology opens, as it were, the interior of the earth to the miner, and enables him to predict with great probability, if not with absolute certainty, the existence or absence of valuable minerals beneath the surface. This knowledge is important in this country to all classes; for emigrants, whether farmers or mechanics, are interested in being able to select localities in the neighborhood of veins or fields of coal, which the geologist can ascertain by unfailing indications, and on the existence of which, in some situations, the comfort of our people so much depends. Fortunately for us, they are vast and accessible, beyond all precedent in the old world, and form an element of the wealth and power of the United States.

To the civil engineer this study is of the highest

importance. It will enable him to point out localities where the best building materials are to be sought; to direct lines of communication, so that they may run near the requisite materials, and avoid difficulties which might prove costly to overcome, as well as to bring these communications within a convenient distance of formations yielding materials of profitable trade, such as coal, iron, and other useful metals, and mineral manures.

The agriculturist will find, in a knowledge of geology, the means of ameliorating and increasing the products of the soil, by enabling him to discover the existence of accessible beds of the mineral manures, which produce such lasting and beneficial effects when applied to the soil.

Indeed, the knowledge of geology contributes, in an essential degree, to all the useful arts; and it is obvious that collections of geological and mineralogical specimens, brought from every part of our country and rendered generally accessible to the people of the United States, being exhibited at the seat of Government, will tend to the advancement of knowledge, and its diffusion among our fellow-citizens.

The reciprocal relations which exist between the several branches of science are, perhaps, more strongly exemplified in that of geology than in any other. This science makes every day large exactions upon other branches, compensating them, however, by its discoveries within and its enlargement of their respective circles. It calls upon the comparative anatomist to give the domain, the habits, the

epoch of the nondescript skeleton. Did it inhabit the sea or the land? Was it carnivorous or herbivorous? It calls upon the botanist, in return for the trees and plants which it discovers and brings to the surface, to say what soil gave them root and nourishment, and in what climate they existed. It fills the cabinet of the conchologist with disentombed treasures, the models of extinct reigns, and calls upon him to give them date and sequence. Indeed, it can scarcely be described as one science, so numerous are the problems presented by it which demand the most minute knowledge of the tributary branches of conchology, zoology, botany, hydrography, mineralogy, and general physics.

Among the numerous sciences which geology puts under contribution, none bear a more intimate relation to it than Mineralogy. Geology deals with masses; but it is by the aid of mineralogy that the simple elements of these masses are unfolded, and their various constitutions identified. Geology teaches us that a certain mountain ridge is composed of granite; mineralogy informs us that granite is a compound of quartz, feldspar, and mica. When the geologist describes the strata forming the solid crust of the earth, the dykes by which they are fractured, and the mineral veins dispersed among them, he uses terms devised by the mineralogist to indicate their differences of character and condition. Geology extends its vision over almost illimitable space; mineralogy examines every substance with a microscopic eye. Geology tends to extensive generalization; mineralogy to minute specification. What the

geologist finds constituting the mountains, hills, valleys, and plains of the entire earth, the mineralogist has before him, within the narrow compass of his own cabinet. Thus, although apparently separate, these sciences have a close affinity to each other.

As sciences, mineralogy and geology are both of modern origin. They date from the latter half of the last century, and, although so young, have already assumed their position among the most exalted of older origin, and are deemed equally worthy to occupy the attention of the profoundest minds. From the days of Werner, (1773,) mineralogy has advanced rapidly, and is now generally and deservedly a popular study. In most of the leading institutions in this and other countries, it constitutes a portion of the regular course of instruction; collections are distributed over our own country, and many private citizens exhibit great zeal in this pursuit. To the arts and manufactures mineralogy contributes many necessary and useful materials. The painter owes to it many of his pigments; the dyer many of his colors; the jeweller looks to it for the discovery of his most precious gems; the chemist for many of his compounds; the mason for his cements. The smelter learns through it to detect his ores, the potter his clays, and the architect would often have saved himself the chagrin of seeing his finest works passing into premature and hopeless decay, had he been guided by it in the selection of his materials of construction.

There is still something wanting to give to the science of mineralogy that further practical useful-

ness for which it is so well adapted, and which, in this country, is so much needed. Within the territory of the United States, almost every variety of mineral, useful or necessary to the wants of man, is found in greater or less abundance. In our southern States, gold; in our western, copper, lead, and zinc; and almost in all, iron and coal, in inexhaustible quantities. Chrome, bismuth, antimony, manganese, cobalt, and many others, are known to exist, and perhaps further investigation will add platina, tin, and silver. But little has yet been done to avail ourselves of these productions. Mining, as a profession, is unknown to us. Educated as agriculturists, merchants, mechanics, or professional men, we pass almost unnoticed these sources of individual and national wealth. The time has surely arrived for turning our attention to them. If we are not to await their slow development under the pressing necessity of our wants, we must begin at once to induce persons to enter on this new pursuit, by educating them for it. Geology and mineralogy, thoroughly taught, will enable them to undertake the search after these hidden resources with every prospect of success. Geology will point out the places in which they are to be found; mineralogy will detect them amidst the useless materials by which they may be surrounded.

It is not to the practical miners of Europe, or of other countries, that we ought to look for improvement in the profession of mining. In so important a matter we must depend upon ourselves. We are capable of accomplishing it, and should not hesitate to set about it. Our people have no superstitious in-

fluences to overcome, and while they are free to receive and ready to embrace instruction in other matters, there is no reason why they should not be enlightened in this.

It is believed that the most powerful agent to effect this beneficial design will be the existence of an extensive cabinet, at the seat of Government, of specimens of geology and mineralogy, drawn from every portion of our territory, and so arranged as to present, at one view, all the mineral resources of each particular State, and where these important sciences may be taught by courses of lectures, which, together, will form a school of mining that cannot fail to be extensively useful, and lead to the early and full development of this great source of individual prosperity and national wealth.

Botany has undergone such great and important changes since the close of the last century, as to alter entirely the character of the science; changes which are due, in a great measure, to the improvements in the construction of the microscope, to the discoveries in vegetable chemistry, and to the exchange of artificial methods of arrangement for an extended system of natural affinities. The adoption of the philosophical views of Göthe, together with the recognition of an universal unity of design throughout the vegetable world, have likewise largely contributed to give to this science its present highly improved condition.

A certain degree of knowledge in botany is desirable to every one. It leads to a comprehension of the properties and uses of the trees of our forests, and teaches to distinguish wholesome from delete-

rious plants, as well as to discover those that possess medicinal properties, which abound in our country. Although not enumerated among the principal departments of science into which the Institution is organized, the importance of it has not been overlooked. It will be one of the most cherished objects of the National Institution, to establish, at some future day, a botanic garden, where plants of every country and every clime may be introduced, and their properties studied.

In none other of the wonderful works of God are to be seen stronger evidences of beneficent design than in the propagation, growth, life, and death of plants; and the pursuits of the botanist are not only useful, pleasing, and healthful, but are calculated to elevate his thoughts "from nature up to nature's God."

It is difficult to understand any physical science or useful art without the aid of Chemistry; and the Institution has very properly devoted an entire section to this science. By its means, the component parts of all substances become known, whether mineral, vegetable, or animal, of air or of water. It teaches us to detect those which are deleterious, and to compound such as are healthful. It guides the manufacturer in the preparation of the various materials of his art, and the agriculturist in the application of manures which give fruitfulness to barren and worn out soils.

Chemistry, although it owes its origin to the labors of the ancient alchymists, is, as a separate sci-

ence, of modern date. The great improvements and discoveries which render it so important an auxiliary to kindred sciences, and to the useful arts, were made towards the close of the last century, since which period its advancement has been wonderfully rapid. It is intimately connected with geology and mineralogy, and without its aid those sciences would be incomplete. We owe to it some of the most useful and beneficial applications of science to the arts, and it may be considered as the foundation of technology.

With a view to promote the principal object of its creation, the Institution has devoted one section to the application of science to the useful arts. Technology, the name given to the science which teaches this application, is not found in the encyclopedias and works of a similar character published fifty years ago, and until that period the application of the principles and discoveries of science to the useful arts was not pursued in such a manner as to render it a constituent part of the operations of the manufacturer. The foundation of this science has, however, since then been solidly laid, and in the rapid progress of discovery within that period we have the promise of a noble superstructure. We are indebted to France for the first impulse given to this pursuit, and it appears, from the late able report of Professor Bache, that Prussia and other Germanic States have established institutions for teaching technology. The only college in the United States in which courses of lectures on this branch are given, is, I believe, that of Cambridge, in Massachusetts. These have been

continued nearly twenty years under a bequest of the late Count Rumford. In the Franklin Institute, also, valuable lectures have been delivered; still but little, comparatively, has been effected towards diffusing this knowledge among the working classes of this country.

In civil engineering, now become a branch of universal importance, scarcely a step can be taken without the guidance of mathematical and mechanical science. A Brindley may occasionally appear with intuitive genius, and accomplish wonders of art, but such an example stands only as an exception to the rule, if it really be one, for it might be shown that even his extraordinary genius was not a perfect substitute for those scientific principles which are the guide of the engineer. An individual who undertakes the construction of either civil or military works without a scientific knowledge of the laws of hydrostatics, hydraulics, and pneumatics, the stress, pressure, and other properties of the materials employed or operated upon by him, will probably fail in them, as is evinced by the experience of almost every day.

The invention of the steam engine, which has been justly denominated "a present from science to the arts," illustrates fully the importance of this knowledge. Had Watt been merely a handy and intelligent workman, those beautiful combinations which render this the most perfect of human devices, could never have been devised by him. It was, doubtless, to the combination of scientific knowledge with mechanical skill, that we are indebted for the fruits of his labors. Many improvements have been since

made by others in the details of the steam engine, but its leading principles remain unchanged.

To the union of scientific knowledge and practical skill we are likewise indebted for that valuable instrument, the refracting telescope, which, for most purposes, has superseded the reflector. In the construction of this instrument, Dollond accomplished what even Newton had given up as unattainable; the result, not of mere ingenuity, but of that combination of science with art by which ends are attained to which we should never be led by any chance or accident.

As I had occasion before to observe, the progress made in astronomy, navigation, geography, and the kindred sciences, are due immediately to the perfection of the instruments prepared by the mechanician; but these instruments owe their perfection, if not their very existence, not to mechanical skill alone, but to mechanicians whose minds are deeply imbued with the principles of the science for the advancement of which those instruments were to be employed—men who fully comprehended the nature of the ends to be attained, and could themselves apply the instruments they had made, without which knowledge they could not, in many instances, have constructed them. It is to the philosophical and mathematical makers of philosophical and mathematical instruments, that the several national observatories are indebted, in a great measure, for the value of their observations.

The application of chemistry to the arts, before alluded to, would probably afford examples of the value

of the alliance between science and the arts more numerous than those furnished by mechanical philosophy. The minute accuracy of modern chemical analysis has made us intimately acquainted with the actual composition of most of the bodies upon which we have occasion to operate. Upon this accurate knowledge of the chemical constitution of bodies was founded the discovery of the uniform combination of the constituents of compounds in definite proportions, and the construction of the tables of *chemical equivalents;* a discovery which introduced a degree of certainty in carrying on the thousand arts dependent upon chemical action, which could not have been attained by experience and observation alone, however skilfully conducted. The chemical manufacturer who is ignorant of this discovery, or does not apply it in the prosecution of his art, is like a mariner at sea without compass or quadrant.

I cannot forbear to notice here three very recent and valuable discoveries in the application of science to the useful arts, each of which is of a very striking character. I mean the daguerrotype, the electrotype, and the electro-magnetic telegraph. By the former, we are supplied with pictures of the works of nature and of art, imprinted by the rays of light with a minute accuracy that cannot be attained by the best directed pencil in the hands of the artist. By the second, medals, engravings, sculptures, and many other works of art, may be multiplied to an indefinite extent, and with perfect faithfulness, by a process the most simple. To what extent this electric action upon metallic solutions may be carried, it

is impossible to foresee; but it has been recently applied to the gilding of metals, and is likely to supersede all other processes of gilding hitherto in use. And by the last, a skilful combination of electricity and magnetism conveys intelligence from post to post, however distant, with perfect accuracy and with the speed of light.

This rapid view of the advantages of technology, although, from the limited nature of this address, necessarily imperfect, will show the importance of its being embraced in any system intended to diffuse useful knowledge among our fellow-citizens.

This Institution has allotted one entire division to Agriculture. This must be considered the most important, as it is the most necessary of the useful arts, as well as the most essential to our existence in a state of civilization. The hunter or the shepherd can do no more than supply himself and his children with food. Such a people have no surplus for those who follow other pursuits; whereas in an agricultural community a portion of the people only are engaged in raising grain and cattle to supply the remainder with food, who, in their turn, are employed in the useful or fine arts, or in the pursuits of literature and science; and it may be safely asserted that the degree of civilization in any country will be in proportion to the perfection of its agriculture. Cicero says, "there is no better pursuit in life, none more full of enjoyment, or more worthy a freeman," and surely there is none which contributes more largely to the wealth and independence of a country. Like all the useful arts, it is dependent upon science for

its perfection. Sir Humphrey Davy's work upon agricultural chemistry shows its intimate connection with that science, and we have already remarked the application of geology to its uses. One of the greatest improvements of farming in modern times, so fruitful in improvements of every kind, is the free use of mineral manures. Lime, in some form or other, must enter into the composition of every soil, to render it fertile; and where the chemist fails to detect it in the land, he supplies it artificially. A knowledge of the analysis of soils is therefore necessary to every good farmer. The use of mineral manures is beginning to be well understood, and to be generally practised in our country; but there are two things that appear either not to be fully comprehended, or not to be sufficiently brought into successful operation; the one is to make a given quantity of land yield, for a series of years, the maximum amount of produce it is capable of by high culture and a judicious rotation of crops, and the other is the art of irrigation. The great economy of making a small portion of land yield as much as a large one, must be too obvious to require explanation, and the manner of effecting this important object is to be learned by the application of scientific principles to husbandry. The wonderfully fertilizing effect of water has been understood for ages, and the art of irrigation has been practised from time immemorial. The scriptures are filled with beautiful poetical allusions to this art, which proves its antiquity, and it is still practised in every part of Asia, throughout the south of Europe, and in that portion of America settled by the Spaniards. In those countries are seen extensive

works of irrigation, and where the depth of the bank of the river and the low level will not allow canals being taken out for the purpose, the Persian wheel, an instrument of great power and antiquity, is used. Often, indeed, water is drawn by this means from deep wells, to irrigate the fields, while in our finely watered country this great advantage is neglected. I have traversed, in a period of drought, the rich and fertile valleys of Virginia, and seen the corn and grass perishing for want of moisture, while a bountiful stream ran gurgling along the side of the hill, wanting only to be tapped to restore the withering plants and scorched grass to new life and vigor. In the South, irrigation is practised in the cultivation of rice, but only in the low country, by means of the ebb and flow of the tide, and for that plant alone. With this exception, there, as elsewhere throughout our country, the farmers do not avail themselves of the great natural advantages they enjoy in having the means of irrigation within their reach, but trust altogether to the uncertain seasons. As a thorough knowledge of this art would more than double our agricultural products with the same labor, this Institution will confer a benefit on their fellow-citizens, by instructing them in the best methods of watering and draining their fields. In the south of Europe canals of irrigation have been constructed by the ablest engineers of the age, and I cannot but think that our own civil engineers would find their account in becoming acquainted with this art, while at the same time they might render an invaluable service to their country.

Entymology, which teaches the nature and habits

of insects, is an important branch of natural history to the planter and farmer. It will enable him to protect his fruit trees, his grain and cotton fields, from their ravages; and an acquaintance with ornithology will aid him to distinguish what birds serve as auxiliaries for this purpose.

It will be the duty of this Institution, likewise, to use its best endeavors to introduce into our country new varieties of wholesome, nutritious, and pleasant articles of food. With our extended commerce, this duty may be readily performed; and here let me remark, that agriculture has attained a high degree of perfection only among great commercial nations. The two arts depend mutually upon each other, and the cultivation of the one leads to the extension and advancement of the other.

In astronomy, geology, mineralogy, and the various other branches of natural history and sections into which our Institution is divided, our labors must bear a near resemblance to those of similar societies elsewhere. But the duties that devolve upon the department of American History and Antiquities are essentially different from those required in any other quarter of the globe. While in the early history of those nations, the historian, compelled to grope his way through a labyrinth of barbarism, ignorance, and fiction, is bewildered in his search after truth, the light of science, dawning upon the whole course of American history, points out to the careful investigator a safe and illumined path from the great new continent in the south back to the island of St. Salvador.

The discovery of our continent; its first settlements;

the growth of the colonists in intelligence, wealth, and love of freedom; the triumph over oppression; the establishment of a republican Government, and the subsequent proof of its happy adaptation to the wants of man, are all subjects peculiar to the history of our own nation, and are now being illustrated and treated with equal industry and ability, and by master hands. The documentary history of that revolution which secured to us and to our posterity the blessings of civil and religious liberty, now being published through the enlightened liberality of Congress, has been collected by Mr. Force, of this city, through whose zeal and untiring industry every document of a publick nature has been collected which tended to prepare and carry on that revolution, and he is gathering together every interesting material calculated to illustrate this great event; while the luminous pages of Mr. Bancroft contain already an admirable account of the early settlement and colonial history of our country, and give promise of a work far surpassing any other that has appeared, in profound research, in brilliancy and beauty of style, and in every quality which can interest and gratify the historian, and secure his confidence in its truth and faithfulness. Both of these gentlemen, I am happy to say, are members of our Institution.

It will be our province to aid the societies already formed in the United States in collecting and preserving such materials as may develop and substantiate the truth of the events of our history; and especially will it be our duty to inquire into that of the people we have dispossessed. We are only the settlers of this continent. Who are, and whence came its aborigines? The Indian race, now fading from the earth; their mounds

and pyramids, and temples and ruined cities; their various revolutions and states of society, have long been subjects of investigation, and to assist in tracing this mysterious people from their present degraded condition up, through days of glory, to their origin, is a duty that belongs to the department of American history and antiquities. Fortunately for our infant Institution this department is well composed and well organized. An association of individuals devoted to historical researches, with enlightened liberality, joined the Institution upon its formation, and transferred to it their books, and the valuable records of their transactions. They have since continued their labors under the auspices of this association, and from the industry and intelligence which have hitherto marked their investigations, there is reason to calculate upon results eminently useful to the public and honorable to the Institution. These investigations will be essentially aided by the historical researches now making by a very able and distinguished American writer, (if I am rightly informed,) into the records of our sister republic of Mexico. That portion of this continent was inhabited by an agricultural and civilized race at the period of its conquest by Cortez, and there exists some painted memorials that would seem to indicate their early immigration and settlement. The followers of the Spanish conqueror, and especially the Catholic clergy, who were indefatigable in their efforts to spread the light of Christianity throughout that country, had great opportunities of becoming acquainted with the traditionary lore of this simple people, and have doubtless left valuable records behind them. That the southern portion of Mexico, at least, was inhabited by a still superior race long

prior to the conquest, is sufficiently shown by the ruins of cities, of palaces and temples, in the most southern provinces bordering on Guatemala. Whether they were overpowered and destroyed by the red men, whose march is indicated by their rude devices as from north to south, and whether either had any connection with the aborigines we have displaced, are subjects of great interest to the American historian; and we congratulate ourselves that they will be investigated by one who has given such evidence of his industry and capacity as the accomplished author of "Ferdinand and Isabella."

The last section, that of Literature and the Fine Arts, cannot be treated worthily without exceeding very much the limits of this discourse. The importance of cultivating and using our utmost efforts to improve the literature of our country, must be apparent to all. It is the vehicle of science, and upon its character the dignity and reputation of a nation depend. It exercises a controlling influence on the public liberties. The patriotic citizen who would, either in the forum or through the press, warn his fellow-citizens of impending danger, or enlighten them on their interests—who would dissipate ignorance, correct error, or reform abuse—must borrow the tones and wield the energies of literature. Our freedom reposes on the guarantee of our political institutions; and who can wrest them from our posterity, with a competent literature to inculcate and vindicate its doctrines and principles, and to proclaim its rights?

Literature and the fine arts go hand in hand. The flourishing condition of the first is a sure prelude to the advancement of the latter; and their united influence

add, in a high degree, to the enjoyment of human existence. Their progress has every where kept pace with that of the moral and social condition of mankind, and their history marks, with unerring truth, the rise and fall of nations. In tracing that history, it is gratifying to perceive that while literature and the arts contribute so largely to improve and refine mankind, they have flourished most in those countries where free institutions prevailed, and where liberty loved to dwell. In other countries, a taste for literature and the fine arts is confined to a favored few—the aristocracy of birth, of wealth, or of talent; and there such a distribution is natural and may be sufficient, because these classes alone govern those countries. *Here*, the people reign—all power is centred in them; and if we would have them not only maintain their ascendency, but use their power discreetly, no expense or pains should be spared to inspire them with a love of literature, and a taste for the fine arts. To effect this, the effort must be made here. It must originate at the seat of Government, and spread from this place over the populous plains and fertile valleys of the land. Could a greater curse fall upon this country than that the sons of the intelligent, and enlightened, and virtuous men who achieved our independence and secured our freedom, should become less intelligent, less enlightened, and less virtuous than their sires? That these valleys and plains, instead of teeming with a race burning with the love of freedom, and ever ready and able to vindicate their rights, should be filled by a people supine and ignorant, the fitting tools of demagogues and tyrants?

In a free country, *literature* may and will flourish by the well-directed efforts of individuals; but *the arts* re-

quire the protecting hand of Government. They owe their origin, their progress, and their present condition to that source and to religious enthusiasm. Their first object was to personify the god-like forms of heathen idolatry, and to hand down to posterity the image of the heroes to whom a nation owed its gratitude. They subsequently became the means of recording the miracles of the true faith, and of spreading the history of the Christian church over the world. In our favored land, they would commemorate the heroic deeds of our forefathers, their achievements and sacrifices in the cause of independence, their deep devotion to the freedom of their country. To a certain extent, this has been effected by the liberality of Government; statues have been erected, paintings executed, and medals struck by orders of Congress. Copies of such pictures, statues, and medals, should be spread far and wide over the land, that they may penetrate into every hamlet, and inspire the people universally with gratitude and emulation. From the advancement of the fine arts, we may promise ourselves great improvements in the architecture of our private and public buildings; in the former, a better adaptation of the arrangements to the comforts and conveniences of life; in the latter, more suitable forms and arrangements for the purposes of business. We are led away by the imposing appearance of massive colonnades and splendid porticos, and apply them equally to temples and to buildings intended altogether for the transaction of public business. This is a mistake which the more chastened taste will correct.

A collection of models and paintings at Washington could not fail to be highly useful. It would aid the cultivation of the art of design, which cannot be too

strongly recommended. It multiplies the resources and enjoyments of the professional man, and is an essential accomplishment to the architect, the machinist, the artizan, and the mechanic. It ought to be taught in our common schools; and every mechanic should be able to sketch with accuracy his own plans, and to copy those of others, so as to be able to profit by every improvement that comes under his observation.

The science of Music, although not so manifestly useful, exercises great influence over the moral and social condition of society. It is taught in the common schools in Germany, and there music constitutes the chief amusement of the people. Instead of hearing in their streets the indistinct roaring of senseless rhymes, out of time and tune, the Germans may be seen assembled in groups, after the labors of the day, singing in parts the delightful music of their inspired composers, elevating their voices in grateful adoration to their Maker, or chanting some of the spirited patriotic songs for which the father land of the Teutonic race is so celebrated. Whoever has witnessed this contrast—whoever has been startled with the discordant sounds of the one, and enraptured with the exquisite harmony of the other, will understand the advantages that are likely to accrue to the cause of temperance, of morality, and of religion, by cultivating the science of music, and making it a part of the education of the people.

I have thus endeavored to explain the objects and importance of the Institution we have established at Washington, so far as the limits of an address will permit, but have been necessarily compelled to omit many topics of nearly equal interest with those which have been treated. Enough, however, has been said, I trust, to

impress upon you the important advantages which the people of this country would derive from the existence of such an establishment at the seat of Government.

In every country in Europe, those who cultivate the arts and sciences enjoy the advantage of finding in each capital a central establishment, such as we propose.

In London, the Royal Museum, which was commenced by the enlightened liberality of an individual, and subsequently enriched by similar bequests, and now liberally patronized by Government, possesses all that is necessary to protect and encourage literature, science, and the arts.

The society for the promotion of science and the useful arts in Dublin, having an extensive museum of natural history, a botanic garden, and school of design, fulfils effectually the objects of its institution, and justifies the very liberal patronage of the British Government. There students in every branch of science find the means of improvement, and some of the most accomplished artists in England have been instructed in this school.

In this country, we are best acquainted with the museum, botanical and zoological gardens, and liberal course of instruction, at the *Jardin des Plantes*, in Paris, where strangers resort, from every quarter of the world, to consult the collections and listen to lectures, which are open to all who choose to attend them. These courses of lectures are delivered by the ablest and most eloquent men in France, on every branch of science. In the summer, botany is taught in a garden abounding in all the vegetable productions of the world; zoology in the midst of specimens of every known animal, and other branches of natural history, with the advantage

of extensive collections, which are augmenting daily by an enlightened and active system of exchanges; chemistry and technology are illustrated by well conducted experiments and admirably adapted apparatus, and every branch of natural philosophy taught with clearness and precision, and explained by the most ample means of illustration. These lectures are attended by students who have completed their academic course, and by men of science who seek to increase their knowledge.

There can be no doubt that a National Institution, such as we contemplate, having at its command an observatory, a museum containing collections of all the productions of nature, a botanic and zoological garden, and the necessary apparatus for illustrating every branch of physical science, would attract together men of learning and students from every part of our country, would open new avenues of intelligence throughout the whole of its vast extent, and would contribute largely to disseminate among the people the truths of nature and the light of science.

A fortunate concurrence of circumstances offers a favorable occasion to carry all these important objects into immediate effect. A liberal and enlightened Englishman, foreseeing the benefits which would result to science throughout the world, by its successful cultivation in the vast and extensive field offered by these States and Territories, with enlarged views and praiseworthy philanthropy, has bequeathed a fund to be employed for the sacred purposes of increasing and diffusing knowledge among men. This bequest will enable the Government to afford all necessary protection

to the promotion of science and the useful arts, without the exercise of any doubtful power, by the application of the annual interest of this fund to the establishment of an observatory, the erection of suitable buildings to contain the collections, and for lecture rooms, the purchase of books and instruments, and the salaries of professors and curators. Specimens of natural history are rapidly accumulating. The exploring expedition has already sent home a large collection, which remains packed away in boxes in a room belonging to the Philadelphia museum, generously loaned by the company for that purpose; and we may anticipate from the ability and well known zeal of the naturalists who accompanied it by order of Government, that the squadron itself, shortly expected, will return richly freighted with objects of natural history. I cannot believe that after all the labor, pains, and expense incurred in procuring them, these specimens are not to be brought to Washington, to be arranged and exhibited here. A geological survey of the Territory of Iowa was made a few months since, by order of the Government, and numerous valuable specimens collected by Mr. Owen. Mr. Nicolet has brought with him interesting collections made in the country he visited, and Doctor King, of Missouri, lately sent to the lead region on business connected with the ordnance office, while there collected specimens of minerals which are likewise destined for Washington. The ordnance officers who have lately returned from Europe, have brought with them numerous specimens of the iron ores used in the foundries there, and measures have been taken to procure, as objects of comparison, those of the United States.

Several individuals have transmitted donations to the

Institution, while others have deposited their collections with us, from a desire to have them preserved, and, at the same time, to benefit science. We have reason to believe that this will be extensively done as soon as the Institution is firmly established. There are many of our countrymen who, like Sir Hans Sloan, the founder of the British museum, look forward with regret to the sale and dispersion of their collections, made at great cost and pains, and desiring to have them preserved entire, would deposit them with an institution which will be as stable as the Government that protects it. For these purposes, and especially if it be intrusted, as we hope it will be, with the specimens of natural history collected by the exploring squadron, it will be necessary that measures should be early adopted to have erected on a suitable site, on the public ground, a plain fire proof building, to contain them, where the increasing and valuable collections may be displayed, and be examined by the scientific inquirer, and where he may resort for evidence to support his theories or to correct his views. We hope that this further contribution to science will not be withheld. The expeditions themselves have received the favorable notice of every civilized nation, and were fitted out in obedience to the will of the people, who would not desire to see the fruits of so much toil and danger perish for want of this trifling additional expense. We cherish the hope that they will form the foundation of a National Museum, and contribute to spread the light of science over our land.

My colleagues have already exhibited so much zeal and industry, that they require no exhortation from me to persevere in their efforts to promote the objects of our Institution, and in their contributions to the union

and progress of the arts and sciences. Constituted as this Society is, few of its members can bestow their whole time to the purposes of the Institution; but all may devote some portion of it to this object. The mind requires relaxation from the labors of a trade, or profession, or the cares of state; but, like the soil we cultivate, it need not be left for that period to grow up in noxious weeds. Relaxation from intense application to our important duties may be found in the pursuits of literature and science. It is an error to suppose that letters cannot be cultivated without neglecting the fulfilment of the obligations we owe to our families or to our country. On the contrary, the man who devotes his leisure to the acquisition of knowledge will invigorate his mind and better fit himself to fulfil his more important duties, than if he had passed those moments in frivolous amusements; and the pursuit itself, by leading us to an intimate acquaintance with the works of nature, cannot fail to elevate our minds to the contemplation of that Being who "in wisdom has made them all," and to inspire us with devout gratitude to Him who has endued us with intelligence to comprehend his marvellous works.

6

TRIBUTE OF RESPECT

TO

THE HONORABLE JUDGE GANTT,

ON

RESIGNING HIS OFFICE AS LAW JUDGE.

W. RILEY, PRINTER.

TRIBUTE OF RESPECT TO JUDGE GANTT.

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HOUSE OF REPRESENTATIVES, *Tuesday*, } *November 30th*, 1841. }

The SPEAKER laid before the House a Communication from the Honorable RICHARD GANTT, resigning the Office of Law Judge; which is as follows:

COLUMBIA, Nov. 30th, 1841.

To the Honorable the Speaker, and Members of the House of Representatives:

GENTLEMEN:—It is with a grateful recollection of the favors of my country, that I approach you for the purpose of surrendering my public trust into your hands. Twenty-six years ago, I was appointed to the highly responsible office of Law Judge. During that long period, I have, to the best of my abilities, discharged the duties thereby devolved upon me. That I may not have discharged them perfectly, is, I have no doubt, true; but honesty of purpose, and purity of intention, have (I trust,) ever attended my efforts. By the mercy of God, I have been spared beyond the ordinary limit of human life, in the full enjoyment of all my bodily, and (as I think,) mental faculties.

I feel that it is time to leave the perplexities and vexations of public life to younger men. The repose and quiet of home, are necessary to the happiness of old age. To these blessings my attention has been directed for some time, and my resignation *now* is the result of a fixed determination, which was disclosed to my friends the first day of your present session.

Be pleased, gentlemen, to accept my resignation of the office of Law Judge, and with it, the assurance, that my prayers will ascend to the Throne of Mercy and Grace, for blessings on the State, in whose service I have spent so many happy years.

Respectfully, your fellow-citizen,

RICHARD GANTT.

Mr. RHETT, by leave, introduced the following Resolutions, which were adopted by both Houses:

Resolved, That the Legislature appreciate highly the motives which have induced the Hon. RICHARD GANTT to resign the office of a Law Judge.

Resolved, That as a testimonial of their regard for his person, and their estimate of his long and faithful public services, one year's salary of thirty-five hundred dollars, be appropriated for his use, and be paid to him at the adjournment of the Legislature.

Resolved, That his letter of resignation be entered at length on the Journal of the House.

Resolved, That these Resolutions be sent to the Senate for concurrence.

From the South Carolian.

TRIBUTE OF RESPECT TO JUDGE GANTT.

COLUMBIA, DEC. 1, 1841.

An unusually large number of the Bar of the State of South Carolina, embracing eminent members of the Profession, from every section of the State, attending upon the Legislature, and the Courts of Ap-

peal, this day assembled in the Court House, to take into consideration the resignation of the Hon. RICHARD GANTT, late President of the Law Court of Appeals: whereupon, on motion of Solicitor T. N. DAWKINS, the Hon. JAMES GREGG, of the Senate, was called to the Chair, and Solicitor THOMAS J. WITHERS was appointed Secretary.

The Hon. D. L. WARDLAW, Speaker of the House of Representatives, read to the meeting the following valedictory letter from Judge GANTT:

"*Gentlemen of the Bar of South Carolina:*

"I cannot resign the station which I have so song filled as a Judge, without feelings of regret, that the abdication of my seat will separate me, for the remaining portion of my life, from the brotherhood of the profession to which I have been regularly bred, and dedicated the most of my life. It is with unfeigned satisfaction, that I can acknowledge the courtesy and kindness which you have always manifested toward me, particularly as years rolled on, and required your greater indulgence.

The law is an ennobling science, and the characteristics of its votaries will be found in the deep-seated sense of honor, patriotism, and love of right, with which your bosoms are fraught.

May God in mercy direct you in the course which leads to fame, honor, and wealth, and bless you with every comfort, calculated to render life happy. Farewell—"a long farewell."

In haste,

R. GANTT."

Mr. Speaker WARDLAW submitted the following Resolutions, which, being unanimously adopted, were ordered to be so entered:

Resolved, That the Members of the Bar have re-

ceived, with deep emotion, the valedictory letter of his Honor Judge GANTT, and entertain towards him, in heart felt sincerity, all the kindness that he has inferred from the courtesy which they have endeavored to practice, and which was rendered less to his high station, than to his uniform benevolence and dignity.

Resolved, That in Judge GANTT, the members of the Bar recognize one, who, at the Bar, eminent for his learning, and unequalled for his persuasive eloquence, gave an example of that "sense of honor, patriotism, and love of right," which he is now pleased to regard as characterizing the votaries of the law; and who, on the Bench for twenty-six years, has maintained a character for integrity and conscientiousness, that would not have been unworthy of the great and good Sir Matthew Hale, whose precepts he delighted to quote and practice.

Resolved, That as Judge GANTT has been peculiarly distinguished for his kindness towards the younger members of the profession, his tenderness towards the accused, his love of truth and justice, and his practice of temperance, and every Christian virtue, so he is the peculiar object of affectionate regard, and in his retirement may be assured, that he carries with him the good wishes of the whole professional fraternity.

Resolved, That we humbly and devoutly beseech that God, in whose fear his days have hitherto been

spent, to render the remainder of Judge GANTT's days as serene and happy, as a good conscience, and the remembrance of a life well spent, may be expected to make them.

On motion of the Hon. B. F. PERRY, member of the House of Representatives, from Greenville,

Resolved, That copies of the proceedings of this meeting be tendered by the Chairman thereof, to His Honor Judge GANTT, and to the Courts of Appeal, and be published in the newspapers.

J. GREGG, *Chairman.*

T. J. WITHERS, *Secretary.*

7

AN ADDRESS

DELIVERED BEFORE

THE CITIZENS OF KNOXVILLE,

ON

THE 10TH DAY OF FEBRUARY, 1842,

THE SEMI-CENTENNIAL ANNIVERSARY OF THE SETTLEMENT OF THE TOWN.

BY THOS. W. HUMES.

KNOXVILLE, TEN.:
PUBLISHED BY E. G. EASTMAN.

1842.

KNOXVILLE, Feb. 10, 1842.

T. W. HUMES, Esq.:

SIR:—The undersigned, Committee of Arrangements for celebrating the Fiftieth Anniversary of the settlement of Knoxville, tender you their thanks for the very interesting address you delivered before your fellow-townsmen on the occasion, and request a copy for publication.

Respectfully, your obedient servants,

E. ALEXANDER,
G. M. HAZEN,
E. G. EASTMAN,
JAMES WILLIAMS,
HU: L. McCLUNG,
JOHN WILLIAMS,
} *Com. of Arrangements.*

KNOXVILLE, Feb. 10, 1842.

GENTLEMEN:—A copy of the Address delivered on the Fiftieth Anniversary of the settlement of Knoxville, in compliance with your request, is placed in your hands for publication.

With sentiments of esteem,

I am, yours respectfully,

THOS. W. HUMES.

E. ALEXANDER and others. } *Committee.*

ADDRESS.

We have assembled, fellow-citizens, to celebrate an event of fifty years ago. To the aged men and matrons in our midst, it may seem but as yesterday, so brief are the measures of time that belong to our past lives; but to the young, exulting in vigorous life and revelling in the rich promises of hope, half a century is full long enough to throw around the occurrences which marked its advent, all that deep, perhaps melancholy, interest, that attaches to the history of the olden time. The actions of the wise, the brave, the good of the past, appear to us, through the dim vista of many years, with a placid radiance—not dazzling into blind admiration, but exciting tranquil delight mingled with reverence. We look upon them, not as we look upon the actions of living, breathing men around us. The actors themselves have gone from the earth—are forever disrobed of their humanity—have passed away into the illimitable future, of which life and death in their highest, most imperishable forms, are the elements. They are not of us nor with us; and as one cycle of years is followed by another, since they knew death, they seem farther and farther removed from and beyond us, and we linger over their deeds with still stronger emotions of awe. What if the feeling be unfavorable to the indulgence of a cold and severe criticism of their character and works? *They* may surely be allowed some freedom from the lash of our censoriousness, when the teeming world around us and our individual lives, are so loud and frequent in their calls for its application. The quaint expression of my Lord Bacon, in the legacy of his "name and memory to men's charitable speeches," aptly conveys the universal trust bequeathed the living by the dead, and it is but justice that we deal with it generously.

Fifty years ago! How crowded, to the living remnants of a departed generation, now within these walls, is the half century, that is gone, with pleasant and bitter remembrances! And yet if truly wise, even as they look upon the images of broken hopes and violated resolutions and severed affections that so throng its silent avenues, they cannot wish that the waters of Lethe be rolled over it, for those very resolutions and hopes and affections have taught them a lesson of stern import, which they have treasured in their hearts. Blot out the Past to them! and they are robbed of the richest solace of their age, except in the hopes they may have garnered up in Heaven. It is indeed more familiar to them than the Present. The things of yesterday they may forget, when those of long time ago have a vividness to their mind's eye, that is forcibly illustrative of the recreative power of memory. See that venerable

man as he bends over his desolate hearth-stone! In the beautiful language of Scripture, so expressive of physical decay, "the keepers of his house tremble" and "those that look out of his windows are darkened." His ears are closed forever to the voice of human sympathy. Wife—children—friends—all gone! Like the once cheerful fire that burned at his side, they have left him with their dust and ashes. He is alone but not solitary. See! his countenance radiant with joy; his lips murmur inarticulate sounds. *He is communing with the dead!* Once more the forms of departed friends pass before him—once more he catches the smile of his wife—once more the merry laughter of his little ones rings in his ears. Memory has brought the shadowy throng around him and filled his chamber with the music of the loved and lost.

The past has indeed a charm to the old, that they only can appreciate; and to those who mingled in the early scenes of Knoxville, and who yet linger upon the stage, the occurrences of to-day cannot but be gratifying. Standing almost isolated from their former associates, in the midst of a new generation, even the *public* events of their youth, with many of which the mystic chain of association may have indissolubly bound their hearts, seem in some sense their especial property. To those who are yet in the summer of life, those events will have a different interest—perhaps fewer attractions. When the pulse beats strong and full and the heart is thrillingly alive to the excitements of the present, the past engages but an occasional emotion, unless from its deep bosom, the terrible shape of some huge misfortune or fearful crime, rears itself aloft and throws its baleful shadows forever on the path. With the young and the mature, NOW, like an ever-gaping Mælstrom, swallows up so many thoughts, that few are spared even from the busiest workings of the brain. Wealth must be hoarded, as often under the spur of emulation as the love of gain. The fierce impulses of Ambition, seldom lofty in its nature or tangible in its purpose, must be obeyed; and the calls of every hungry passion, too often complete and preserve the tumult of the mind.

It is honorable to you, my fellow-citizens, to stop awhile, as you have to-day, the current of your busy cares and unite in celebrating the birth of the place, consecrated to you as the theatre of your childhood's pastimes or of your "manhood's joy and mourning, conquest and loss:" at least, endeared to you by all the clinging ties of home, family, and friends. The mistress of the world had her *natalis urbe*, and before the pride of conquest and the lust of power had eaten into her heart, her citizens shed no blood in the sacrifices of the day. If, catching the spirit that prompted their rejection of all that might defile the solemnity of such an occasion, *we* have come together, banishing all party animosities and jealousies, as impure and unworthy of admission to the scene, it may be that the act of their burial, even if it be but temporary, will give a new spring to the prosperity of Knoxville and date an important era in its history.

On the 7th of August, 1790, William Blount, of North Carolina, received his commission as Governor of the Territory south of the river Ohio, by appointment of President Washington, and arrived in the

country in the following October. It is probable he took up his residence in the vicinity of this place, then covered with a thicket of brush-wood, early in '91. A manuscript narrative of an old soldier, who with a company of militia on their way to Cumberland, encamped for six weeks about that time near the creek west of town—where, according to his account, the soldiers wrestled so much as to give the place the name of Scuffle-town, which it yet bears,—mentions the encampment of John Watts and Double Head before the cabin of Gov. Blount, then standing on the knoll between the hill on which East Tennessee University now is and the river. The treaty of Holston concluded with the Cherokees on the 2d of July, '91, was held on the bank of the river at the foot of Water street, where a few rude shanties were erected for the reception of Government stores; and in the words of an ancient act, "Gov. Blount having determined to fix the seat of Government on the spot," "it was deemed expedient there to establish a town," which was "accordingly laid out in February, '92, immediately below the second creek that runs into Holston on the north side below the mouth of French Broad, by James White," original proprietor of the soil, "and called Knoxville, in honor of Maj. General Henry Knox, then Secretary of War." It will be observed that this determination of Gov. Blount, is given in the act, as *the* reason *par excellence*, for the establishment of the town, and most sufficient reason was it. Whether it be esteemed weighty enough to have satisfied the speculating wise-acres of 1836–7, who laid out cities in swamps and primitive forests that they had never seen and bought and sold them at ever-increasing premiums, or considered so trivial as to be classed with the insignificant causes that have so often decided more important events in all ages of the world, it was certainly respectful to His Excellency thus to honor his head quarters, as well as politic, by adding to the extrinsic dignity of his official character in the eyes of the savages. We might stop to speculate upon the motives which prompted the Governor to fix upon this spot for his seat of Government, and inquire if the reasons which moved his decision, have not since multiplied in number and force and should not be equally operative with our present law-givers; but it would scarcely be apposite to our purpose. His Excellency may not have been able to adopt the assertion of Themistocles the Athenian, who, when asked in raillery at a feast to play upon the lute, replied he "could not fiddle, but he could make a small town a great city:" yet is unquestionable, that to his single will we mainly owe the existence of our town, when if it had been put to vote after republican usage, it might not have been, or if it had, been any where else than 'immediately below the mouth of Second creek.' The only inhabitants of the town at the time of its establishment, were John Chisolm, Mr. McLemee, Hugh Dunlap, now living at Paris in this State, and Samuel and Nathaniel Cowan. The first kept a tavern; Mr. Dunlap and the Messrs. Cowan sold merchandize. It was not until the 11th of June, '92, that Knox county was established by an ordinance issued by the Governor.

His Excellency being sincerely devoted to the interests of the country and anxious that all important intelligence should be promptly brought to the knowledge of the people, induced the immigration of Mr. Roul-

stone, a printer, who arrived in the country with the materials of his trade in '91. Knoxville at that time having no existence beyond a prospective one based upon the Governor's intention, the disciple of Faust halted at Rogersville and in that place, on the 5th of November, '91, issued the first number of the Knoxville Gazette. By this wilful anachronism, not only was Knoxville anticipated in its existence by several months, but in the exigency of the occasion, was forced into an ideal being and given a local habitation for the nonce in the village of Rogersville. The office was, however, soon removed to Knoxville itself, and Rogersville relieved from its ambiguous position and the constructive imputation, that not content with its proper name, it had usurped the title of the embryo seat of Government.

The "Gazette" was the first paper published within the limits of the present State of Tennessee, and flourished its diminutive proportions every week, no doubt much to the gratification of its subscribers. It was rather dingy of hue and scanty in its allowance of matter for intellectual regalement, but even had its readers been possessed of the enormous swallows of the public now-a-days, enabling them to gulp down with perfect listlessness any imaginable quantity of literary trifles, they had no leisure for the indulgence, from their necessary avocations and almost perpetual strife with the savages. Mr. Roulstone continued its publication for many years, and performed in the intermediate time all the duties of Printer to the Territorial and State Governments. The patronage thus enjoyed, would however scarcely excite the envy of the modern practisers of his art, as the entire cost of the Acts and Journals of '92, was only six hundred dollars, in consideration of which sum, all proclamations and other public acts of the Government were also printed. Regarded as the pioneer of newspapers in the country, the Gazette engages an interest which its intrinsic merits would not obtain. Solitary and alone in the midst of an extensive territory, its adventitious importance was necessarily considerable. The publisher was a man of rather more than ordinary capacity, but seldom ventured opinions, confining himself to the more easy and ordinary duty of chronicling passing events. The time was one of constant physical action and the people were too much engrossed with the labors of the field and the terrible perils that environed them, to pay much heed to the strife of opinion throughout the Union, with regard to the powers of the Federal Government. Not that they were insensible to the importance of grave political questions. To the enduring truths promulged in the Declaration of Independence, their consciences eloquently responded. Their love of country had all the fixedness of a principle and all the ardor of a passion. How unlike in this, to too many of our own day, who regard it in the severe light of a duty: not murmuring indeed at its imposition, but still entertaining it as some men hold their marriage ties—cherishing their wives from motives of conventional propriety and not with the pure unbidden gushings-forth of the heart. We know it is a custom to sneer at all delineations of the lofty patriotism of our countrymen of the last century which contrast so strongly with the lack of vitality in that of our contemporaries, as the work of flippant fancy; but we doubt if the representation ever surpasses justice. If it be an illusion, we would

not have it destroyed. We love to contemplate their glowing zeal—their never-ceasing care—their almost paternal tenderness for their country. There is something ennobling in the picture. We think better of humanity as we dwell upon it, and better of our race. It reflects a charm upon our country itself that attracts towards her the best affections of her children; for the object that can absorb such care and tenderness and zeal, must indeed be worthy. But it is not an illusion. The men of old cherished a patriotism that stands out in bold relief, like the piety of primitive christians. They loved their country, not merely under the impulse of duty. She appeared to them in all the freshness and beauty of a virgin bride, and the full tide of their affections was poured out at her feet. Oh! if every American could catch a spark of the fervid spirit that burned in their breasts, what magnificence of spectacle would the Republic present!

Notwithstanding the pledges of perpetual amity made by the Cherokees at the Treaty of Holston, they very soon afterwards gave decided evidences of hostility. The Government, being well aware of the constitutional propensity of the savages to deck their persons and wigwams with the proofs of their skill and courage, in the shape of scalp-locks, was apprehensive that the news of St. Clair's defeat by the Northwestern Indians in November, '91, would stimulate the Southern tribes to arms. Whether influenced by that disaster or not, the Cherokees of the five lower towns, lying Northwest of Chattanuga mountain, early in '92, declared for war, having first indulged themselves with the amusements of a scalp-dance and an eagle-tail dance, which were of course performed in a very bloody humor and in utter contempt of the spirit in which such entertainments are conducted in civilized life. The Little Turkey, Principal Chief, was by no means disposed to wink at this premature turbulence, and in the heat of his anger, promptly proscribed the dancers from all intercourse with the rest of the nation.—The white men were not however satisfied of Little Turkey's ability, whatever may have been their opinion of his disposition, to enforce upon his refractory subjects a non-intercourse law that would include Christian settlements; and prudently took measures for their own defence.—The result proved that they had not misconceived their danger. The savages commenced their predatory warfare early in the Spring. The white man was shot down at his plough by an unseen hand;—children gathering berries were tomahawked and scalped; the quiet family were roused at midnight by a war-whoop and the morning sun looked down upon their butchered forms and the smoking ruins of their dwellings.—A terrible apprehension hung round every fire side. As the marauders only prowled through the country in petty bands, they confined their depredations to solitary houses, the way-farer and the laborer in the field, but their approaches to Knoxville were, in many instances, too close not to beget a mistrust of safety in the infant town.

The Treaty of Holston provided for the delivery of certain valuable goods to the Cherokees and the annual payment to them of a thousand dollars; but in the following December, the President was unexpectedly visited by an embassy headed by Bloody Fellow, intent, among other objects, upon the substitution of fifteen hundred dollars in goods for the

thousand in money. This request was granted and the ambassadors returned home accompanied by a United States agent with about thirty five hundred dollars of personal presents to the Chiefs, warriors, and interpreters, and seventeen hundred of goods. The division of this treasure was to take place at Coyatee in May, '92, and so pressing were the solicitations of the Chiefs to Gov. Blount to honor it with his presence, that he at length consented. Never met man with more complimentary reception, than that given to His Excellency by the delighted savages, whose animal spirits were elevated to fever heat by the goodly array of cloths and beads. Even the warriors of the lower towns could not absent themselves from the enticing ceremony, but made their appearance with their hands clean-washed of the blood of their recent slaughters and their faces in the very interesting dress of a ground of black paint sprinkled over with flour in token that they "had been at war, but were now for peace." The Governor's Address, filled with just complaints and closed with a demand for the restitution of prisoners, was answered by the breath of Nickajack with a profusion of promises; and the Hanging Maw followed with an announcement of the grand national council to be held at the beloved Eustanaula in thirty nights, when Bloody Fellow, otherwise General Eskaqua by appointment of President Washington, would render a report of his recent visit to Philadelphia.

Before that time arrived, important influences changed the temper of the Chiefs. The Spanish authorities in Florida and Louisiana had watched with much jealousy the extension of our settlements in the valley of the Mississippi; and while the Government of the United States was constant in its efforts to cultivate terms of amity with them, they did not hesitate under the pretence of compliance with their treaties with the Indians, to furnish them with arms and ammunition for their frequent forays. John Watts was met a few miles distant from Coyatee upon his departure from that place, by an Indian runner who delivered him a letter addressed to himself and Bloody Fellow, from Mr. Panton, a British merchant in Pensacola, who had realized immense gains from the Indians and whose interest urged him to encourage them to hostilities with the Americans, as in that event his traffic would be enlarged. The letter invited them in the name of O'Neal, Governor of Florida, to visit Pensacola with ten pack-horses, promising them arms and ammunition from the Governor and goods from Panton to the extent of their wants. The wily trader, in a personal interview with Little Turkey, tempted him with similar inducements, and not altogether unsuccessfully. The letter of Panton was written from the house of McDonald, a Scotch resident in the nation, to which place Watts instantly departed, and being furnished with a letter from McDonald to Gov. O'Neal, started without delay for Pensacola. Bloody Fellow accompanied him but a short distance. The Eustanaula council on the 23d of June was called with an especial view to his presence, but he failed to be there. Little Turkey however was present, and in the captious spirit which the tampering of the Spanish agents had imparted him, advanced a claim with regard to a boundary line that had never before been arrogated. No reply was made by the council to the letter of Gov. Blount which was laid before

it, proposing the appointment of commissioners to extend and mark the line agreeably to the Treaty of Holston. On the 26th of October, the day proposed, Judge Campbell, Chas. McClung, and Jno. McKee attended on the part of the United States, but the Cherokees were unrepresented and the line was run without being marked.

Upon Watts's return in August from Pensacola, Gov. Blount invited him in courteous style to visit Knoxville, but he treated the request with entire neglect and proceeded to Will's town, where the Cherokees were assembling from all quarters to hear his report and recreate themselves with a green-corn dance. Watts addressed them, told of his visit to Florida, lauded the Spaniards, denounced the Americans, and advised war. Bloody Fellow replied in opposition. "Look!" said he, "at that flag. Don't you see the stars in it? They are not towns; they are nations." Upon dispersing for a short time, the young fellows, who as Watts said "were always wanting to go to war," reduced their persons to a condition of comparative nudity, and modestly covering the naked parts with black paint, commenced a war-dance, which they prolonged throughout the night. This ebullition of feeling no doubt had its influence, unless all demagogues have white faces. The next day the debate was renewed and much enlivened by the speech of a Shawnee, who gave his auditors the gratifying information that he had killed three hundred men and the time was come that he should kill three hundred more. The war-dance was resumed after a declaration for war by the council, and continued until dawn around the United States flag, upon the stars of which, the warriors, as if in contempt of Bloody Fellow's poetical allusion, occasionally tried their skill as marksmen. Indeed he seemed so to construe it, for he threatened them with violence unless they desisted. The next day the council met by adjournment at Lookout Mountain town. The party numbered six hundred. Calculating upon an accession of two or three hundred, it was resolved to form four equal divisions, attack and desolate the Holston settlements as high up as the big island of that river, then scatter in small companies and perform the same offices upon the French Broad settlements up to its head; but on the ensuing day the direction of their purposes was changed, perhaps from caprice, to the Cumberland settlements. Two days were given for preparations for the incursion. But alas! for the inconstancy of savage virtue. A few hours elapsed and they "put an enemy in their mouths that stole away their brains." The same day on which John Watts arrived in Pensacola, witnessed the departure from the place of another Cherokee Chief who delighted in the significant name of Unacatahe or White-Man Killer. Stopping at his own house just long enough to enlist the company of his wife for a new journey, he came on with her to Knoxville and feasted with the perfect non-chalance of an intimate friend upon the hospitality of Gov. Blount at his own house for ten consecutive days. He made no professions of business but abundant professions of friendship. In regard to the results of his observation at Pensacola, he was uniformly silent, and equally so as to the object of his visit to Knoxville. It is not improbable that he was delegated by Watts to spy out the nakedness of the place and that the company of his help-mate was intended to cover his purposes of espial from

the white-man's eye. He at length departed with a canoe laden with whiskey, and on the same day on which his tawny brethren determined in council at Lookout Mountain town upon their attack on the Cumberland settlements, Unacatahe landed with his liquid treasure at the mouth of Lookout Mountain creek, fifteen miles distant. The news of his arrival soon reached the council-men and a deputation was instantly started for the fire-water. Of course there was no talk the next day and no preparations for the proposed irruption, for the warriors with few exceptions were stupid with intoxication, and the idea of an immediate inroad was altogether abandoned. Deraque, a Frenchman, and Finnelston, a half-breed, were sent forward to Nashville, with a promise to return in ten nights with a report of the country's condition for defence. Had Unacatahe represented Knoxville and the adjoining settlements as open to attack, the arms of the party would no doubt have been turned against them. But he seems to have left here with very strong impressions of the belligerent qualities of the citizens; for a blow received in a drunken fray at a tavern, he magnified into a dreadful beating and garnished with threats from the townsmen to shoot him, and these imaginary evils were made the subject of a formal complaint from the Glass to the Governor. Deraque and Finnelston had assumed the capacity of spies, with the intention to put the whites upon their guard: and on their arrival at Nashville, they made a full disclosure to Gen. Robertson of the designs of the savages and informed him of the resolution of the council to write letters to Gov. Blount in a pacific spirit, to deceive him as to their purposes. This fact Robertson communicated to Blount by express, but it did not reach Knoxville until the Governor had received and acted upon the fraudulent letters, one of which came from Bloody Fellow, in whom he had reposed much confidence. The warriors at Lookout Mountain town, however, did not wait the return of their faithless emmissaries to Cumberland, but after recovering from the effects of the fire-water from Knoxville, dispersed, and only two hundred of them, headed by John Watts, were found with the formidable band of Creeks, shortly afterwards repulsed from Buchanan's Station. Watts was severely wounded, and upon partial convalescence,—disappointed and chagrined, and moved by the apprehension which was prevalent among the Cherokees that Gen. Sevier with his entire brigade then under arms would enter the nation and destroy their villages, sent a delegation to Gov. Blount with pacific assurances. They arrived at Knoxville on the 5th of January, '93, and after a stay of ten days, returned under the protection of an escort. The instructions to Gov. Blount from the War Department authorized him to keep the militia in service only during the existence of immediate danger, and as he was led by present appearances to indulge hopes of quiet to the settlements, he discharged all the troops at Knoxville, leaving but one company of infantry and twenty-five horsemen of Sevier's brigade in service. But the ravages of the Indians, principally Creeks, in small parties, knew no abatement, and the people were goaded and harassed almost to frenzy. The Federal Government was unwilling in the midst of a fierce contest with the Northern tribes to enter into war with those of the South, and was positive in its refusal to Gov. Blount's request for

vigorous offensive operations, against the Creeks and Lower Cherokees. Bitter were the complaints of the frontier settlers against a policy, which appeared to hold their lives and property as of trifling value, and eager were they, upon the occurrence of some fresh horror, to pursue the enemy to his own hunting grounds and there take their revenge. In several instances, they assembled in large parties for this purpose and in one, at Gamble's Station, were only dispersed by a proclamation of the Governor. In these days, when the spirit of disorder is so rife as to threaten with violence the very foundations of society, it would be dangerous perhaps, even if consistent with a dutiful reverence for the law, to apologise for such ebullitions of passion.

The early inhabitants of the country were gifted in an eminent degree with a high-toned spirit of independence. It was this, when suffering acutely under a sense of wrong, that led them to spurn the injustice, real or imaginary, of their rulers, and to the formation of the short-lived State of Franklin. And although liable to excesses, when coupled with a sensitive heart or inflammable imagination, yet under the tutelage of an enlightened reason and discreet will, no ingredient of human character is more noble or laudable. We would detract nothing from its merit nor extenuate aught of its perversions. The President, although unable to meet the wishes of the borderers in regard to offensive operations, was sedulous to cultivate a friendly temper among the Indians, and in the prosecution of his efforts to this end, requested Gov. Blount to invite the Cherokees to send a deputation with him to Philadelphia. He accordingly held a conference with them at Henry's Station on the 17th of April, when he earnestly pressed them to a compliance with the President's request, but they declined a decision at the time and warily procrastinated it until it was useless.

Shortly afterwards an event occurred which occasioned sincere regret to his excellency and to the people of Knoxville. The Chickasaws had been the fast friends of the Americans and many of them had fought gallantly under our flag. To the Shawnees they were highly obnoxious and the deputation from that nation, which visited the Creeks and Cherokees in January, '93, to excite them to war with the United States, as they passed through the Cherokee Teritory, were vehement in their threats of ruin upon the Chickasaws, for the aid they had rendered the army of St. Clair. The Creeks, too, regarded them with bitter feelings, and a recent occasion of quarrel had fanned the flame of resentment and kindled a war that promised to be unusually ferocious. The Creeks were numerous and powerful. The Chickasaws were brave, but too few, unaided, to contend successfully with their haughty and insolent foes; and in the emergency of the case they called upon the white-men for help, and reminded them of their mutual agreement to be as one man in regard to both enemies and friends. It was of course politic, as it was a matter of gratitude and good faith, to avoid any cause of offence to a tribe that had proved its friendship in all times of danger and was now involved in a war, originating from the relations in which that friendship had placed them. Two Chickasaws who were at Gov. Blount's on a visit, went with a Cherokee who was attached to their company into the woods to look after their horses. About six hundred

yards from the Governor's house they were fired upon by some dastardly whites to whom it was supposed the Cherokee was odious, and one of the Chickasaws received a mortal wound. He died the next day, and just before expiring, desired, with much magnanimity, of his companions, that satisfaction should be taken only upon his murderer. Aware of the morbid sensitiveness and clannish spirit of the Indians, and no doubt truly sorry for the occurrence, Gov. Blount was solicitous that such respect should be paid to the remains of the deceased, as might efface from the minds of his brethren the evil impressions which the manner of his death would create. He was buried with military honors,—the Governor walking with the brother of the departed warrior at the head of the funeral procession as chief mourners—followed by a large number of the citizens of the town and adjacent country. The regret and indignation was general. A reward of a hundred dollars was proclaimed by his excellency for the detection of the offenders, and mounted men scoured the country in search of them. The injured manes of the Chickasaw slept quietly and his aggrieved countrymen, accepting the honor rendered his dead body and the assurances of the white-men's sympathy, in the spirit with which they were tendered, banished all thoughts of resentment, and the bonds of national amity were as strong as before. Notwithstanding, the influence of the event upon the disaffected among the Cherokees,—several of that nation being here at the time who did not fail upon their return to rumor so gross a violation of the laws of hospitality,—was necessarily unfortunate. An outrage as little susceptible of palliation followed close upon the heels of that which we have related, and furnished the turbulent men of the lower towns an excuse for retaliation that was not neglected. Prior to Gov. Blount's departure for Philadelphia, a party of Indians murdered Mr. Gilham and his son in the neighborhood of Bullrun block house, sixteen miles from Knoxville, and Maj. Beard with a company of fifty six men was despatched in pursuit of the marauders, under instructions not to cross the Tennessee river. These orders were transcended and about day-break of the 12th of June, they reached the house of Hanging Maw, where a number of Cherokees had assembled by invitation of the Government, for purposes of business with Maj. King and Danl. Carmichael. In the blindness of their rage, Beard's men attacked the party, killed several, including Hanging Maw's wife, wounded the old chief himself, and only desisted from burning the house at the earnest instance of King and Carmichael. On being informed of this violence, Smith, the Secretary of State, Gov. Blount being absent, wrote from Knoxville to the Hanging Maw and other Chiefs, urging them not to take redress into their own hands, but to visit their great father, the President, and he would give them satisfaction. The reply of the Hanging Maw is too good to be lost. It betrays much perturbation of feeling; and his contempt for the Secretary is so overflowing, that it finds vent in almost every other sentence. But he lamentably wants versatility of language.

"COYATEE, JUNE 15th, 1793.

"Friend and Brother:—It is but a few days since you were left in the place of Governor Blount. While he was in place, nothing happened.

Surely they are making their fun of you. Surely you are no headman nor warrior. I am just informed you will take satisfaction for me, and I shall reckon it just the same as if I had taken it myself. I reckon you are afraid of these thiefs, when you talk of sending to Congress. If you are left in the place of Governor you ought to take satisfaction yourself. It was but a few days since I was at your house, and you told me that nothing should happen to me nor any people at my house; but since that, blood has been spilt at both our houses. I reckon that the white people are just making their fun of you. Governor Blount always told me that nothing should happen me as long as I did live, but he had scarcely got out of sight until I was invaded by them, and like to have got killed. I think you are afraid of these bad men. They first killed the Chiakasaws at your house, and this is is the second time of their doing mischief. I think you are afraid of them. When is the day that a white man was killed at my house? I think the white men make fun of you. Now, blood is spilt at both our houses by your people. I think they are making fun of you and won't listen to your talks."

Smith, under the strong impression that avowed war was now inevitable, renewed the orders given by the Governor some weeks previous, to hold one third of the militia of Washington district constantly prepared to march to the defence of the frontiers. A court-martial was ordered for the trial of Beard, but no punishment was ever inflicted upon him. The feelings of the borderers were now exasperated by the continued ravages of the Indians, to a point that mocked at longer forbearance, and parties of armed volunteers assembled and marched into the Cherokee nation in defiance of the remonstrances of the Secretary. One of these, consisting of a hundred and eighty men, returned from an incursion against the Indians on the 13th of August, and the statements which the prisoners they had taken concurred in making, that almost the entire nation was gathering to the council at Eustanaula, preparatory to an inroad upon the Holston settlements, confirmed the prevalent apprehension of danger. The cry was raised for preparations for defence, and many reproaches were uttered against the authorities for their apparent supineness. It was known to the savages that a quantity of goods and ammunition was in store at Knoxville, and the general impression was entertained that *it* would be made the object of attack. The Governor was still absent and the militia of the upper counties under Sevier was not expected until September.

Since April, the Spaniards had made professions of amicable interference between the United States and the Indians, but were either insincere, or fickle in their policy; for it is unquestionable that they did not hesitate to incite the latter to the proposed descent upon the Holston settlements, which contemplated the destruction of Knoxville. Revenge for the affair at the Hanging Maw's was made the ostensible reason for the inroad, and was so mentioned in the letters of Spanish agents and applauded as a laudable motive.

On the 12th of September, Jaudenes, with the approval of the Baron de Carondalet, Spanish Governor at New Orleans, transmitted instructions to Governor White at Pensacola to furnish the Cherokees with seven hundred pounds of powder and fourteen hundred of ball for this

intended foray. Little Turkey, who no longer previous than the 5th of June had written to Gov. Blount, that at a recent meeting with an embassy from the "Northward Indians," he had answered their allusion to the readiness of Spanish aid, by roundly declaring that the Spaniards "was a lying, deceitful, treacherous people,—was not real white people, and what few he had seen of them looked like mulattoes;"—this same veritable Little Turkey was the bearer of Jaudenes' letter. The agency of the Baron de Carondalet was afterwards admitted by Messrs. Jaudenes and Viar, Spanish Commissioners, in a communication to Mr. Jefferson, Secretary of State, and defended upon the ground of the treaties of '84 between the Choctaws, Chickasaws, and Talapuches and the Government of Spain; and the apology would have some speciousness, if by any process of diplomatic magic the independent nation of Cherokees could be transformed into a tributary of either of those tribes. Three fourths of the savages assembled for the incursion were Creeks; one hundred were horsemen. According to Haywood, their march was delayed until the receipt of the ammunition from Florida.

Their entire number has been variously estimated, from nine to fifteen hundred, but was most probably about the latter. Secretary Smith, in his report of the invasion to the Secretary of War, states that in many places they marched in files of twenty-eight abreast, each of which was supposed to be composed of forty men, but afterwards declares the estimate too low. Knoxville, the object of plunder and ruin to this formidable band, and which the news of its coming had reached, could at that time muster but forty fighting men; but these forty were no cravens to fly at the approach of danger, even though it presented itself in the terrible shape in which it then menaced them. Here were their homes, their families, their all; and with an alacrity and zeal worthy of the crisis, they prepared to defend their firesides. A knowledge of Indian cunning, with other reasons, induced them to conclude that the approach of the savages to the town would not be made by the main western road, but in a more northern and circuitous direction; and they determined to meet them on the ridge, over which the road to Clinton now passes, about a mile and a half from town, and there by a skilful arrangement of their little company, check their march, and, if possible, alarm and intimidate them. Leaving the two oldest of their number to mould bullets in the block-house which stood on the spot now occupied by the Mansion House and which contained three hundred guns belonging to the United States, the other thirty-eight proceeded under the command of Col. James White to station themselves on the south side of the ridge we have mentioned, with an interval of twenty feet between each man. Orders were given to reserve their fire until the Indians were brought within the range of every gun, when at a given signal, they were to pour in upon them a well-directed volley, and, before the savages could recover from their surprise, secure their own retreat to the block-house, and there, with their wives, mothers, and children around them, sell their lives at a fearful price, or scatter from the port-holes a shower of leaden hail among the besiegers that would drive them from their banquet of blood. Happily neither of these contingencies awaited

them; for the Indians were so delayed by their own dissensions, that they were unable to reach Knoxville before daylight, and therefore abandoned the attack. This fact, however, detracts nothing from the excellence of the courage—the dauntlesness of the heroism—exhibited by the citizens. The Rev. Mr. Foster, whose elegant pen has recorded an account of the event, justly declared, that "an incident fraught with so much magnanimity in the early fortunes of Knoxville, should not be blotted from the records of her fame. It is an incident on which the memory of her sons will linger without tiring, when the din of party shall be hushed and its strife forgotten. Those men of former days were made of sterner stuff than to shrink from danger at the call of duty. And it will be left to a future historian to do justice to that little band of thirty-eight citizens, who flinched not from the deliberate exposure of their persons in the open field, within the calculated gunshot of fifteen hundred of the fleetest-running and boldest savages."

The delay of the Indians until the approaching dawn deterred them from their contemplated assault upon the town. This delay was mainly attributable to their differences in consultation upon a point which Providence intended should never come within reach of their decision. Considering the particular purpose of their inroad as certain of accomplishment, the question arose among them, whether they should massacre all the inhabitants of Knoxville or only the men. Hanging Maw, less sanguinary than others, protested earnestly against an indiscriminate slaughter; but the opposition to his clemency lacked nothing in zeal and obstinacy, and the halt was prolonged until they determined it was prudent to forbear the attack. They had indulged, however, with such confidence the expectation that day-break would find their hands filled with reeking scalps, that they could not altogether forego a sacrifice of victims. Cavet's Station, eight miles from Knoxville, near the present resident of Joseph Lonas, was a convenient object for their rapacity. It was the morning of the 25th of September. They had marched all night, excepting the time consumed in fruitless debate, and about sunrise commenced their attack on Cavet's; but were received with such spirited resistance by the three men in the building who alone were armed with guns, that two of their number were soon killed and three others wounded. Their habitual duplicity and cunning were brought into service; and through Bob Benge, a half-breed who spoke English, a conference was opened with the whites, and assurances given them that their lives should be spared upon surrender and their persons exchanged for Indian prisoners. Cavet and his party, including women and children thirteen in number, consented to the proposals, but had scarcely crossed the threshold of the door, when the ferocious Double Head and his followers fell upon and murdered them all with the exception of a child who was saved by John Watts, taken as a prisoner to the Creek nation, and afterwards tomahawked. It is due to Bob Benge to state, that he strove to avert their fate. Leaving the Station in flames, the Indians retreated rapidly in the direction of Clinch, for they knew that Gen. Sevier was then at Ish's Station, eighteen miles below Knoxville, with four hundred men under arms, and that the news of their outrage would soon reach his ears, spread over the country, and bring him speedy re-

inforcements. Had they continued to Knoxville it would possibly have become their prey; but as has usually been the case with large parties of Indians, particularly when composed of different tribes, their numbers constituted their weakness,—disunion took the place of harmony essential to success, and the light of day scared them from the consummation of their scheme.

Sevier, acting under orders from Secretary Smith, did not long delay pursuit. Expresses were instantly despatched over the country and a few days brought reinforcements that swelled his command to seven hundred men, which were formed into two divisions,—that from the Washington District under Col. Blair, and the other, from Hamilton District, under Col. Christy. Striking across the Tennessee at one of the upper fords below the mountains, they reached Eustenaula on the Coosa on the 14th of October. Learning there that the Indians under Watts had passed by but a few days previous, on the way from their recent invasion to a town on Hightower; after some delay for refreshment, they pressed on to that place, and on the 17th arrived at the junction of the Hightower or Etowah and Coosa. The savages had entrenched themselves behind the southern bank of the Etowah, opposite the usual ford. Col. Kelly, with a part of the Knox county regiment, was ordered to the attack and attempted a passage half a mile below. The direction of the movement seems to have been taken through an error of the guides, but it operated successfully as a *ruse* in drawing the Indians from their position. Observing this and satisfied of the impracticability of crossing at the lower point, the main body of Kelley's party, under the command of Capt. Evans, dashed up to the ford, crossed the river and ascended the opposite bank in the face of superior numbers of the enemy, who had returned to the spot but not in time to recover their ambush. The savages were repelled with some loss and fled with precipitation. Several Spanish guns were found in their encampment. Sevier's army crossed the Coosa unmolested, and, after destroying several deserted towns lower down the river, returned to Knox county with the loss of only three men. The cessation of hostilities by the Indians which followed, was attributed to their fear of a repetition of this visit. The troops employed in this expedition were refused payment by the Secretary of War, on the ground that it was undertaken without authority from the President and in violation of instructions from the Department of War to Gov. Blount forbidding offensive operations against the Indians. In '96, Hugh L. White, who served the campaign, petitioned Congress for remuneration, with the view of establishing a principle that would apply to all his fellow-soldiers; and in January, '97, Andrew Jackson, from the Committee of the House of Representatives to whom the petition was referred, reported a resolution in favor of provision by law for the payment of the troops.

The feelings of impatience in the Territory, under the forbearing policy of the Government towards the Indians, were given vent to in October by the Grand Jury of Hamilton District, composed of the counties of Knox and Jefferson, in an address to the Governor. They represented the distress and indignation of the people in strong colors;—expressed the hope that Congress would now regard an appeal for the protec-

tion of the Territory,—and suggested to His Excellency the fact, that they were entitled to an Assembly of Representatives, under the Congressional ordinance of '87, which accorded them the right, whenever their free male inhabitants numbered five thousand. Two days afterwards, the Governor ordered an election of members to a Territorial Assembly; the election was held on the 22d and 23d of December; thirteen members were chosen from nine counties, Knox sending two, and the Assembly met in Knoxville on the 4th Monday of February, '94. On Monday nothing was done besides the appointment of the Speaker and Clerk. On Tuesday, a procession was formed of the members; and preceded by their Speaker and the Governor, they went to a place of worship, where the Rev. Mr. Carrick delivered a sermon, the text of which the curious in such matters may find in the 2d and 3d verses of the 1st chapter of Paul's Epistle to Titus. The citizens of Knoxville, for many years subsequent to its establishment, had but an occasional sermon, and we may conclude were better led to appreciate the value of the privilege; while to the people of the country, fifteen miles were considered but a trivial obstacle to attendance upon ministerial services. This public evidence of their religious respect given by the Assembly was in keeping with the general disposition of the people. The early inhabitants of the country felt, as did the leaders of the Revolution against Britain, that the race is not to the swift nor the battle to the strong, and were deeply imbued with devout reliance upon Him, who is able "to break the arrow of the bow, the shield, the sword, and the battle." Who but men so impressed, would have dreamed of a chaplain to an army of 1500 or 1800 militia, bent on an arduous campaign through the most unfrequented wilds, against distant savages? Yet such was the case in the expedition of 1776, under the command of Col. Christian. He appointed Mr. Cummings,* a Presbyterian clergyman, chaplain, and the reverend gentleman marched the entire route.

The Assembly recommended to the Governor offensive measures against the Indians if possible, and adopted an address to Congress, recounting the grievances of their constituents and urging a declaration of war against the Creeks and Cherokees; and a bill was introduced into Congress, upon the presentment of the memorial at its ensuing session, for the relief of the Territory but eventually failed. Upon the conclusion of its labors, the Assembly was prorogued by the Governor to the 4th Monday in August, when it again met. Wisely regarding Learning as the handmaid of Religion, and essential to the perpetuity of liberal principles and free Government, in September they established a College in the vicinity of Knoxville, which was called "Blount," in honor of the Governor. The reasons for its establishment are given in brief but comprehensive terms in the preamble of the act, and just precedence rendered to the education of the morals.

"Whereas the Legislature of the Territory are disposed to promote the happiness of the people at large and especially of the rising generation, by instituting seminaries of education, where youth may be habit-

* Tradition differs as to the name of the chaplain. Mr. Rhea, the father of the late Hon. John Rhea, of Sullivan county, is asserted to have been the clergyman alluded to.

uated to an amiable, moral, and virtuous conduct, and accurately instructed in the various branches of useful science and in the principles of the ancient and modern languages."

The Rev. Mr. Carrick was appointed President. The original Trustees numbered many worthy and eminent men. They were, His Excellency Gov. Blount; Hon. Danl. Smith, Secretary of the Territory; Hon. David Campbell and Hon. Joseph Anderson, Territorial Judges; Gen. John Sevier, Willie Blount, and Archibald Roane, afterwards Governors of the State; Col. James White, Col. A. Kelly, Col. Wm. Cocke, Joseph Hamilton, Francis A. Ramsey, Charles McClung, George Roulstone, George McNutt, John Adair, and Robert Houston. The institution preserved its corporate existence until 1807, when the Trustees resolved, that provided the General Assembly established East Tennessee College within two miles of Knoxville, the act for the establishment of Blount College might be repealed and its funds incorporated with those of the former: and the resolution, by the compliance of the Legislature with this provision, was carried into effect. East Tennessee College was established by law on the 26th of October, 1807, as one of the two Colleges in the State for which 100,000 acres of land south of French Broad and Holston and west of Big Pigeon rivers, had been set apart by act of Congress the previous year. The act of the Legislature contemplated its establishment on ten acres of ground two miles from Knoxville, conveyed in trust for that purpose by Moses White; but the Trustees being authorized to use the building previously occupied by Blount College, it was retained in town and not removed until many years afterwards to the present site of the University.

At the same session, in '94, Knoxville was established by law, and Col. James King, John Chisolm, Joseph Greer, George Roulstone, and Samuel Cowan were appointed its commissioners. And whether for the encouragement of the growth of the town, or to repair recent disasters, and perpetuate the existence of the settlements which savage rapacity threatened to destroy, or from general motives of justice and propriety, the Assembly a few days afterwards passed an important act, that may perhaps lead the bachelors present to long for the return of such halcyon days. It was as follows:

"*Be it enacted by the Governor, Legislative Council, and House of Representatives of the Territory of the United States of America, south of the river Ohio*, That the tax on marriage licenses shall in future cease to be collected!"

We have previously remarked that after the expedititon of Sevier, the Indians were less active in the prosecution of hostilities than before. In May, '94, strong professions of a disposition for peace were made by the Hanging Maw on behalf of the nation. Many of the upper towns had been and still were pacifically inclined and were soon led to assume decided friendly relations. In July, Mr. John Ish was killed and scalped a few yards from his block-house, eighteen miles below Knoxville; and John Boggs, with eight or ten Indians, under the direction of Maj. King, were instantly despatched in pursuit of the murderers. The trail of their flight was found and followed until the pursuing party was overtaken by a runner with the news that one of the fugitives was behind

a degree that would scarcely have been expected in a frontier village of a few years, growth.

The subsequent history of the town is not without interest, but we have not made it our province to relate it. The year '97 was remarkable for the ravages in the neighborhood of the Harpes,—two brother-demons in human shape,—whose thirst for blood was a fierce, relentless appetite, that could only be whetted, not gorged, with victims.—Their series of murders appears to have had its commencement in this county. From here they passed into Kentucky, where the oldest, whose head was a paragon of hideousness, and who has been made the villain hero of a romance by Judge Hall of Cincinnati, consummated his career of crime.

The introduction of steam-boat navigation upon the Holston, giving a new impetus to the prosperity of Knoxville, and the terrible crisis of the fate of the town, when it reeled like a drunken man under the strong breath of the pestilence, will always be regarded by its friends with interest, but are familiar occurrences to all, and we may be pardoned for omitting such a notice of them as their importance deserve.

Fellow Citizens:—This anniversary of our town's nativity, you properly signalize as a holiday. But in vain is it so,—in vain this universal joy and thronged assembly,—in vain the imposing procession and festal board; if we hail not the dawn of another half century upon the fortunes of Knoxville, with keener perceptions of our duty to each other, our Country, and our God, and with firmer purposes to perform them. Before us is the Future, with all its bright promises and undeveloped mysteries; and among its actors *we* are to mingle. Fifty years hence!—We too will have taken our positions on "that wide plain where the innumerable armies of the dead are encamped in stations which centuries have made." Another generation will here occupy our places and perhaps repeat the celebration in which we this day join.—But in all human probability how much larger the assembly. These suburbs may be crowned with substantial edifices, and the busy hum of thousands of voices rise from streets where now but hundreds mingle. This picture of external prosperity is pleasant, but graver questions occur.

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Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts
Where low-brow'd baseness wafts perfume to pride;
No: men, high minded men;—
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Men, who their duties know,
But know their rights, and knowing, dare maintain."

Will the generation that here moves and acts fifty years hence, be worthy the inheritance of freedom? Simple in their habits—of unbending virtue—deeply imbued with an ardent Patriotism and a sublime

Faith? Fellow citizens:—Your hands may spin the warp of their destiny. You may make or mar their fate. The streams of your influence,—of each and all—humble or haughty—as sure as the light of to-morrow, will glide down the coming half-century, mingling as they go, and sweeten or embitter the hearts and lives of your children's children. Eloquently has it been written:—"It is a high, solemn, almost awful thought for every individual man, that his earthly influence which has had a commencement, will never, through all ages, were he the very meanest of us, have an end. What is done is done; has already blended itself with the ever-living, ever-working Universe, and will also work there for good or for evil, openly or secretly, throughout all time."

Fellow citizens:—Let us enter upon the Future with this high and solemn thought ever-present with us, urging us to union of action in promoting the common good—beautifying our social intercourse with pleasant charities, and moving us to all noble conceptions and worthy deeds.

LETTER FROM HUGH DUNLAP, ESQ.

PARIS, TEN., January 19, 1842.

MR. EASTMAN—*Dear Sir:* In your paper of the 22d ult. and the 5th inst. I observed arrangements making for the celebration of the semi-centennial anniversary of Knoxville. I am the only man, whom I know to be alive, who was living there when the lots were laid off.—It would be a source of unmixed pleasure to be present at the celebration, if my health and the weather permitted. I could not conceive a higher gratification than to meet at the festive board the children of those adventurous and worthy men who first settled Knoxville, and who were the more endeared to me by the very perils incident to its settlement.

At the treaty of Holston, in 1791, there were no houses except shantees put up for the occasion to hold Government stores. Gen. James White lived in the neighborhood, and had a block-house to guard his family. At the treaty of Holston they used river water entirely, until Trooper Armstrong discovered the spring to the right of the street leading from the court-house to what is now called Hardscrabble. He at the time requested Gen. White, in a jest, to let him have the lot including the spring when a town was laid off; and when the town was laid off the General preserved the lot and made him a deed to it.—These facts were told me by Gen. White himself, for I was not present at the treaty.

I left Philadelphia, with my goods, in December, 1791, and did not reach Knoxville until about the 1st of February, 1792. I deposited my goods and kept store in the house used by the Government at the treaty, though I believe the treaty itself was made in the open air. At the time I reached Knoxville, Samuel and Nathaniel Cowan had goods

there; John Chisolm kept a house of entertainment; and a man named McLemee was living there. These men, with their families, constitute the inhabitans of Knoxville when I went there. Gov. Blount lived on Barbary Hill, a knoll below College Hill, and between it and the river. It was then approached from town by following the meanders of the river. The principal settlements in the county were on Beaver Creek. All the families lived in forts pretty much in those days; and, when the fields were cultivated, there was always a guard stationed around them for protection. There was a fort at Campbell's Station, which was the lowest settlement in East Tennessee. The next fort and settlement were at Blackburn's west of the Cumberland Mountains; the next at Fort-Blount, on the Cumberland river; the next was a fort at Bledsoe's Lick; and then the French Lick, now Nashville.

The land on which Knoxville is built, belonged to Gen. White. In February, 1792, Col. Charles McClung surveyed the lots and laid off the town. I do not recollect on what day of the month. It excited no particular interest at the time. The whole town was then a thicket of brushwood and grape vines, except a small portion in front of the river, where all the business was done. There never was any regular public sale of the lots; Gen. White sold any body a lot, who would settle on it and improve it, for eight dollars; and in this way, and at this price, the lots were generally disposed of.

In the year 1793 the Creeks and Cherokees leagued together and raised an army under old Watts, a half breed, the head of the Cherokee nation, to destroy the white settlements. There were said to have been 1500 men under Watts. Double Head was a mere subordinate under Watts, though his fame has been more lasting and wide spread, because of his vindi ctive and ferocious character towards the whites, and his turbulence among his own people. They marched as far as Cavet's, seven miles from Knoxville, and made an attack upon his house. After resisting for some time the assaults of the Indians, Cavet, his son, and a militia man, the only men in the block house, capitulated under a promise that the family should be spared. After they surrendered they were murdered, and the mother, two grown daughters, and perhaps some small children, were brutally despoiled and butchered.—This massacre, though horrid and heart-rending, was the salvation of Knoxville and the whole circumjacent country, for their force was powerful enough to have overrun and depopulated the white settlements. The Creeks committed the murder, against the wishes of the Cherokees—a dispute arose among them about it—Watts refused to proceed farther, and the whole army of savages was virtually disbanded, and they returned to their villages and wigwams. A child of Cavet's was not killed at the block house. It was taken prisoner—two Creeks claimed it—they had their tomahawks drawn on each other, when a third party, to quiet the rival claims, tomahawked the child. It was thought for some years the child was living, but the Indians afterwards told all the circumstances.

In 1793, the first Government troops were stationed in Knoxville under the command of Capt. Carr, a revolutionary officer; his Lieutenat, Ricard, had him arrested, a few months after their arrival, for

drunkenness. Carr was chagrined at the efforts of his Lieutenant to supplant him and resigned, and Ricard was promtoed to Carr's office. They built their barrack where Etheldred Williams has since erected a brick house, opposite the Courthouse. I believe the Convention of 1796 sat in it.

In 1793, Col. Christy, who was commanding the U. S. troops at Knoxville, died, and was buried with martial and masonic honor on what is now College Hill. It was a magnificent procession—by far the most splendid funeral that had ever been witnessed in the Territory.—In the same year died Titus Ogden, a merchant, and paymaster to the troops and of the Indian annuities which Gov. Blount was Superintendant of, the four tribes of Creeks, Cherokees, Chickasaws and Choctaws. I mention the death and burial place of these two men, as I have been told, that in digging the foundation for the College, two skeletons were exhumed, and supposed to have been those fo Indians buried there. They were no doubt the bones of Col. Christy and Titus Ogden. I was at the burial of both, and did not suppose that the graves of two men, so noted in their day, and buried "with all the pomp and circumstance of war," would have been so soon forgotten. Col. King and myself were, at the time, and for several years afterwards, commissaries for all the troops stationed in East Tennessee.

After the county had increased in population sufficiently to protect itself, in a great measure, from the incursions of the Indians, it was kept in constant alarm for some time by the depredations of the Harps, two men who were fugitives from their native State. They made a crop on Beaver Creek, and furnished the butcher in Knoxville, old John Miller, for some months with hogs, sheep, and cattle they had stolen from their neighbors. They afterwards secreted themselves and made marauding expeditions against the lives and property of the citizens. One of them had two wives, sisters of the name of Rice. The first man they killed in Knox county was young Coffee, on Beaver Creek.—Johnson was their next victim, murdered within two miles of Knoxville. I had attempted to take them on several occasions and they killed Bullard under the impression it was me. They killed Bradbury afterwards, who, I believe, was the father of Gen. Bradbury of the Senate. They left Knox county in 1797 or 8, and their villanies made their subsequent history notorious.

I beg you to excuse the length of this letter—I cannot think of those early times without in some degree living them over again. I understand a distinguished literary gentleman of your county is collecting materials to write the early history of Tennessee. I hope he may not falter in an undertaking where the materials are so rich and the fame so certain.

Very respectfully,

HUGH DUNLAP.

AN

ORATION,

POLITICAL, HISTORICAL AND MORAL,

ON

INTEMPERANCE

AND THE DEPRAVITY OF MORALS,

DELIVERED AT

CHARLESTON, S. C.,

AT TEMPERANCE HALL, THE 9th OF AUGUST, 1843.

ILLUSTRATED WITH PAINTINGS AND TRANSPARENCIES, DESIGNED TO CONVEY A JUST SENSE OF THE DIFFERENCE BETWEEN PERSONS WHO ARE GOVERNED BY SENTIMENTS OF ORDER, MODERATION AND SOBRIETY, AND THOSE WHO ARE UNDER THE DOMINIONS OF COARSE AND VICIOUS APPETITES.

BY J. LABATUT,

AUTHOR OF THE ORATION AND PAINTINGS

CHARLESTON, S. C.:
BURGES & JAMES, PRINTERS,
No. 143 MEETING-STREET.
1843.

ORATION.

FELLOW-CITIZENS:—

If we intend to ascertain the extent of our knowledge on the progress of civilization since the epoch of our independence,—this vast republic the admiration of the world, by the wisdom of its laws, and of its government, would display, on this point of view, but one rapid succession of phenomena—and discoveries in the inventions of genius, and the useful arts; the national industry during so long a time pressed, and groaning under the shackles of despotism, breaking these disgraceful chains, its humiliating bondage, would show to the surprised world the most beautiful spectacle, so flattering to the heart of man, the spectacle of a free people, and worthy to be such, elevating their mental and moral faculties, and who proud of the feeling of their liberty, of a liberty conquered at the price of so many sacrifices, would show at the same time the power of valor strengthened by sobriety, temperance and frugality, by the example of these modern Cincinnati,—their illustrious and virtuous chiefs so heartily animated by the love of country.

Among so many celebrated and wise men who have afforded so powerful an assistance to the glory of this republic, as much by their spirits and patriotism as by their distinguished virtues, who is not moved, amazed with admiration at the names of Washington and Franklin, these saviors of their country.

The one, with an handful of undisciplined soldiers, in the midst of the greatest dangers, overwhelmed with sufferings and privations, compelled continually to struggle against superior and experienced forces, and in spite of such an adverse fortune, standing unmoved

by his patience, firmness and courage. Calm in the most threatening dangers, full of anxieties for his soldiers, a retreat quickly combined was the forerunner of victory. It is so, that by an unheard of perseverance, and the most skilful military tactics, he was able, during eight years of incessant battles, to oppose a powerful army, to resist forces numbering three times his own, and terminate his military career under the laurels of a victory which has broken forever the irons of despotism and conquered a glorious independence for his country.

The other, in the meditation of the highest thoughts, concentrated day and night in the advancement of the moral good, entirely devoted to his country for the happiness of the people, the same as the philosopher of Greece, the truth never struck his ears too late. It is at the school of these sublime virtues that he acquired, and will have forever this bright flame of light and wisdom. The important services that this great man has rendered to the State, either in public debate, or in his diplomatic missions, have erected for him in the hearts of posterity one imperishable monument. The words coming from his mouth as so many oracles, collected with avidity, stamped in the hearts of his countrymen this noble enthusiasm of valor and patriotism, which has directed them to the triumph of their cause. So much is it true, that it belongs only to these privileged beings to display their superiority in the most difficult circumstances.

If some philosophers have raised their voice to spread the lights, and give themselves the examples of good morals, many learned legislators, many celebrated orators, whom the power of eloquence has echoed all over Europe, by the wisest laws, have established the foundation of a constitution, the admiration of the world, and which must be a pattern to generations to come for the happiness of mankind.

In the productions of genius, and the useful arts, it was unusual to find some individuals, who under the empire of despotism were obscure, unknown, and passed

a miserable life, but who at the first cry of liberty's triumph, awaking from their lethargy, displayed by the most beautiful master-pieces in every kind of arts, all the faculties of the intellect and of the imagination that nature had so profusely endowed them. At that time, this predestinated people wanted nothing of the essentials: Pure, chaste in their morals, the citizens were sober and laborious. Luxury did not dare to appear among them. The train of European vices, this destroying scourge, had not yet polluted their peaceful retreats. Satisfied, and contented with their fate under the laws of their constitution, they had in mind only to enjoy in the bosom of peace, and virtue, the great favors bestowed on them by the blessing of Providence, as the reward of their toils and labors.

Since the glorious epoch of our independence, by one of these phenomena, the only one perhaps in the annals of the world, from obscurity and oppression, fighting for the most holy cause, they have seen a new nation arising as brave as industrious, whom destiny allowed to succeed it, and place it in the first range among the nations by its humanity and benevolence. The time, and many glorious deeds of benevolence, are a sufficient testimony that we were worthy of such a destiny. What more wonderful in this republic, where instruction is so generally diffused, the wisest institutions brightening under the superintendence of morals, than this spirit of philanthropy, of fraternal benevolence, and the hospitality so generously offered to so many unhappy victims—all these numerous emigrations from Europe, all these oppressed or banished from different countries, escaped from slaughter, from the fury of anarchy or persecution, all these people have been rescued, on this hospitable land,—they found an asylum of peace, assistance, refuge, encouragement in their industry—even several nations have been assisted in the time of distress.

By an effect appearing as a wonder, eight years of war, sufferings and privations of every kind, had re-

duced us to a distress very oppressive to every class in the community. An enormous deficit in the finances, the government greatly indebted, no ships, no commerce, the agriculture without laborers, and the people without the necessaries of life: in the midst of so many evils, in so critical a situation, as an electric fire the spirits are animated by a new vigor, their industry awake, a noble emulation kindling all hearts. In the work-shops their activity is increasing, new ones are erected, manufactures increase in numbers, in the carpenter's yard the axe is resounding, and very soon numerous ships flattering the hopes of commerce, the exchange of industry and agricultural produce give way to the circulation of wealth and abundance.

Agriculture so long neglected is rising to a bright degree. Extensive forests fall under the axe, enrich the country; all is animated by the impulse of a new life; all appear with a new face; the laws are in vigor, honest magistrates at the head of the government, and by a wise administration the citizens closely united for the common welfare of the country, from the North to the South, it is but one family of brothers. Peace and happiness as Heavenly gifts are coming to strengthen the bonds of their union.

Under so many happy auspices a republic just rising from the cradle, having reached to such a pinnacle of greatness and prosperity, always victorious among so many political convulsions, which for some years appeared to threaten her from every side, such a republic to stand firm on its proper equilibrium by keeping its strength and its dignity, its only and most solid support, must be in a constant inspection on the morals of the people.*

What do we see in the pages of history? Too many examples of degenerated republics conquered, or nations destroyed by the fatal consequences of vices, crimes, and depravation that follow intemperance;

* Sparta, Syracuse, were governed by wise laws. Citizens were sober; their morals severe;—there, great virtues have appeared among them.

their chiefs or leaders governed by the vilest passions, the magistracy disgraced, entrusted to the base souls, soldiery effeminated, licentiousness unpunished, religion profaned, citizens plunged in brutality and debauchery, and in this great chaos of corruption and disorder they fell an easy prey to ambitious conquerors.

Such has been the fate of these unhappy republics. What a lesson for posterity! Look at Carthage in the glorious days of her greatness and opulence! Proud of her treasures, she considers herself unconquerable; but soon, by an insulting ostentation accumulating all the vices in her bosom, she becomes the easy prey of a conqueror: and this great, ambitious warrior, the terror of Asia, Alexander the Great, in the delight of Babylon, after having polluted his reason in the orgies of a banquet, killing his best friend, *Clitus*, and these monsters, the scourge of mankind, Nero, Caligula, Domitian, plunged in the most shameful excesses of debauchery and drunkenness, regardless of the life of men, sacrificing them at their caprices by the most horrible tortures.

At the present day on this continent where we are living in, how many have witnessed the frightful scenes among these children of the forest, by the immoderate use of strong beverages and spirituous liquors! The father in his fury running at his wife and children, dagger in hand, brother killing his sisters, quarrels among them always ending in a murderous and tragical manner, and the greatest number of them sinking to the grave, pitiful victims of these fatal beverages.

Can we contemplate such frightful scenes without horror? Ah! let us draw the curtain on these terrible pictures! Let us be transported to the happy ages of Titus, Trajean, Marcus Aurelius, where the great metropolis of the world wisely governed by these worthy emperors, beheld in its bosom a people of warriors transformed into heroes, and wise men in these happy reigns, where justice and wisdom held the reins of empire, feared, beloved and respected by the neighbor-

ing nations under her subjection. She valued as her most glorious triumphs their love and their tribute of respect. More zealous of the happiness of their people than of the splendor of the purple, these men, demigods, whose names will go down to remotest posterity, appeared to be on the earth but to teach their successors to extend the happiness of mankind, and to govern the people by exhibiting themselves as examples of the most sublime virtues.

Behold the imitators of these heroes in those sages to whom we owe this glorious independence, whose blood has stained the floor of the temple of liberty, and who must be regarded as the liberators of mankind!

We have done great things. Our progress in the inventions of genius and the useful arts have been very rapid. In our various enterprises, success has exceeded our hopes. In laws, sciences, arts, commerce, agriculture, naval tactics, mechanic, military art, experience has proved that we want nothing to become a powerful nation. Extensive forests were over all the country. Driving away those dangerous hordes who inhabited them, we there carried the axe and the plough. The country has been more enlarged. Fertile fields have taken the place and extent of these uncultivated lands, from which abundant crops have been gathered, and increased our wealth by an active commerce. Our seaports, our arsenals, our towns and our canals, are a great proof of the industry of the people. We have erected handsome buildings; some consecrated to religious worship, some to alms-houses, and public instructions. In the country are many primary schools; everywhere are useful establishments. In our diplomatic relations honorable treaties of alliance and commerce with the principal European nations have been confirmed and made permanent.

Among our maritime exploits a single one would be sufficient to exalt the American valor, if it was less known, by the bright deeds and heroical actions of one of its officers, *the intrepid Decatur*, the honor and glory

of his country. What no nations prior to us dared execute, under the command of this officer, a handful of brave men, and a few ships, were sufficient to vanquish and subdue those formidable barbarians of Algiers, the terror of the Christian world, to compel them to an humiliating capitulation, after having burned their ships, bombarded their town, and broken the chains of our unhappy countrymen lying in slavery under the rod of the most cruel treatment.

If we must be proud of this maritime exploit, there are also many others no less bright which have heaped up the measure of glory of this infant republic, by the prodigies of valor of the immortal Perry, Hull, Laurence, Porter, which throw the most brilliant lustre on the naval tactics of these heroes of the sea.

If we cast our eyes on our officers of the army, who would dare to contend the palm with the valiant *Jackson* in his military deeds! By so bright a trophy, America will attest for a long while the glory of her arms; and those illustrious veterans, McComb, Gaines, and Brown, all indicated their laurels: how many were the victories, how many the glorious campaigns under the command of these chiefs!

It would be too long to present the list of all those valiant men who have been so prodigal of their blood for the country. It is to the pen of history that the fame of these valiant warriors belongs.

By this rapid sketch of American valor, of the power of this republic, of its government, of its wealth, of the industry of the people, they must see as a phenomena by the blessing of Providence its gigantic march to have attained this point of greatness where it stands in half a century.

Considering the time past since the first days of our independence, to be sure we have made extraordinary progress of every kind. We have made also very extensive progress in our knowledge, except in the most important of all, the knowledge of our moral duties and the indispensable necessity to put them in practice.

The fundamental point of a well ordered State, and without which it has no strength, no consistence, no solidity; that which must govern a free people jealous of their liberty, upon which depends the peace of the union, the salvation of the republic; that which may secure this beautiful edifice we have erected at so high a price, and cemented with the blood of our forefathers, *our Constitution;* that which, after all, ought to be examined at the foundation, the basis of all the others, and that which unhappily has been neglected.

These are not the vain dissertations, the chimerical reflections of a visionary, but indisputable truth, which at first sight must appear sensible by the impressions which take place, and particularly if they bring to mind all these political convulsions or dissensions, all these troubles continually arising, these overwhelming calamities, which for many years have spread desolation in the union, and aggravated the public distress, and are the probable evidence of a general looseness in our moral duties, having a tendency to strike at the foundation of this republic, and of a free and powerful people to make them miserable, on the eve to be chained again under the rod of despotism, chastisement of our ingratitude towards that Providence which has blessed us so profusely.

Brave Americans! Good and sensible people! You all, here, who lend an ear to what I have the honor to tell you in the sincerity of my reflections, and of my ardent wishes for your prosperity, who among you, to such probable evidences, so amazing, is not sensible, and does not feel in his heart this secret inspiration of a prompt and steady reform in our moral duties and propensities? How to resist this interior voice which continually gives us notice of the dangers that threaten us, if we do not hasten to put a salutary bridle on our passions and depravity of manners. It is here we must exclaim, *O, tempora! O, mores!*

Our forefathers were sober, and we are to-day in a very lamentable situation by the evils and disorders

which surround us, by the fatal propensity to intemperance, which has engulphed so many victims and reduced to beggary so many familles.

Our forefathers lived on the simple necessaries of life. They were laborious. At their homes, no luxury, no pride, no vain ornaments. A healthy house, some convenient furniture, and that's all; having in view only the useful, the love of order, labor and economy kept them within the bounds of a wise moderation; the taste of frivolousness had no votaries among them.

With us, our tables magnificently dressed, abound in superfluities, elegance and profusion, whilst so many unhappy and honest mechanics in these days of distress have scarcely a morsel of bread, and are without any employment in the lines of their professions; in our houses, our furniture, our equipages, a refining luxury which reveals too much our vanity, afflicting contrast of the public distress increasing every day; everywhere an insulting ostentation, a thirst of riches, an immoderate ambition to reach to fortune, and too often by means unworthy of an honest soul—

Auri sacra fames quid non mortatia pectora cogis.—*Vir.*

Our forefathers spent an orderly life. Their morals were pure. It was in the bosom of their families and choice friends that they were enjoying their sweetest pleasures and innocent recreations. The European vices did not pollute their retreats. Of all this great train of fashionable things, of knicknacks, of blustering pleasures, nothing attracted their attention. Their children growing under their eyes in the strictness of these principles, increasing in wisdom and virtue, were calculated early to become useful citizens to their country, and from whose nursery we have seen issued so many great men who have added so much to the glory of this republic by the valuable services they have rendered to the State, differing very much from these bands of young bachelors out of work, who abound to-day in our towns and cities, spending their time in frivolous amusements. Happy are those who escape

the contagion of bad company, so dangerous in this modern Babylon of the North, the *Général entrepor* of all the vices scattered among us, and perhaps the spring of this depravation, which commands us to-day so imperiously to stop its current, if zealous of the prosperity of the union we are found to enjoy again in its bosom these peaceful and happy days, which are always the fruit of a sincere return to good order, temperance and the practice of virtue.

After having shown by a series of facts the picture of the disorder, and the consequences of our depravity compared with the state of purity in the time of our forefathers to the rising of this republic, that would not do justice to this class of virtuous and respectable families who characterize so worthily the American nation, to envelope in this proscription the whole mass of the nation, and to pass in silence the tribute of respect, of esteem, and of admiration, due to their merit, by the order, the decency and the good example which reigns among them, not speaking of the eminent virtues that distinguish them: this spirit of benevolence, this love of our fellow-beings, of which so many families in distress, the widow, the orphan, the stranger, have received the favor of their assistance at all times; how interesting to behold in these happy families mothers directing to their eyes the first lessons of childhood on the principles of sound morals, infusing in these young hearts the noble sentiments which ought at an early period to arise in men worthy of their ancestors. To kindle in them this love for their country, this quick perception of great souls, who alone must carry them in the path of honor and virtue, and in the harmony of their conjugal union, fathers acting anxiously for the happiness of their children, keeping at home order, temperance and economy.

If we have seen among us so many deeds, so many noble actions, so much greatness and magnanimity, the worthy heroines of America have displayed by the most beautiful acts of benevolence and humanity, some ex-

amples which could not be by us too well imitated, and who have very seldom appeared in other nations. These deeds are too glorious to omit relating.

Greece, formerly so renowned by so many great men and heroes, the cradle of the fine arts, which has enriched us by so many master-pieces, in her late war with Turkey, in spite of all her prodigies of valor, behold her children breathing their last under the Mahometan sword, reduced to the last extremity of misery and despair. At their cries, their needs striking our ears, a noble ardor awoke in the bosoms of these heroines. The donations, the contributions, the sacrifices to afford relief to this unfortunate nation, are nothing for them. At their expense provisions of every kind, arms, clothing, victuals, are shipped; and soon, under the protection of Providence, these provisions arriving safe in their ports, are distributed among them, to revive their hopes and preserve them from a horrible death. Everywhere humanity triumphant by their influence.

Were I but able to shew you the picture of all their deeds, how many dried tears! how many unhappy beings saved from the grasp of despair! how many indigent families assisted in their need! what cares and attentions to provide the sick in their diseases with the things necessary! how many widows and orphans have obtained relief in their miseries! Heavenly daughters, their committees, their laws, their institutions, will ever cause them to be considered as the worthy sovereigns of America; perhaps we are indebted to them for the only virtue that is left.

I will not speak of those debauchees, vile slaves of the senses, who although endowed with a superiority of talent and genius, always inclined to brutishness, to a disorderly life, can draw but one part of their superiority, that which, is to disgrace them in their own eyes, and those of their fellow-citizens, by the degradation which ought to elevate them above themselves.

If we must trace the first causes of the evils, the idle-

ness, the bad company, the bad examples, these are the most dangerous rocks where so many victims are wrecked by their imprudence, and carry desolation into families. The reason is, this fine Heavenly gift once prostrated in the shameful cause of intemperance, what is a man in this abject situation? Senseless of his dignity, plunged in the dulness of his intellectual faculties, what is he good for? of what utility can he be in society? He does not feel the worth of his existence. Does it not pollute the fine faculty which so eminently distinguishes us from the other beings? does it not offend the Divinity who has created us in his resemblance, to descend from his dignity to the lowest degree of the brute?

Let us cast our eyes on this picture! What a spectacle in her house for a woman is such a wretch! how awful for children for whom he must be the support, the monitor, the protector! what a disgusting and hideous object! to what extremities does this wretched being in his fury resort, does it not enable him to carry against these innocent victims! what is the reason why honor is nothing for him! this reason which has been given to us to elevate our souls to its Creator—to this divine spirit which calls to mind continually his celestial origin! this torch which must carry lights in the vicissitudes of life, among so many errors and prejudices which surround us! It is here, fellow-citizens, that the scene must be awful, and infuse in our hearts love and gratitude for this divine attribute with which the Almighty has blessed us in his goodness and omnipotence. Look at the man so disgraced, deprived of his reason! What is he?—nothing;—a heap, without form, of disorganized matter—a body without life, without feeling—an outcast of nature.

O man! sublime work of the creation! image of thy Creator! immortal soul! look at thy nothingness! return to thyself! be ashamed! be humbled! Go out from the abyss where thy vices have engulphed thee! change thy life! repent thee! walk under the eyes of

a God, the supreme ruler of the world! It is a god of goodness, of mercy; He wishes but thy welfare; He has been always the protector of virtue and innocence; be just, sober, and fear nothing!

Let us oppose to this picture that of a well ordered family! What an interesting spectacle, and worthy of admiration! a mother instructing her daughter, giving to her these first lessons in morals, which in the age of reason ought to elevate her mind to higher thoughts; a father in the bosom of a sweet repose of peace, of happiness, recreating himself near a virtuous wife and beloved children, far from blustering pleasures, the bustle of fashionable assemblies. In this family all breathe joy, piety, contentment. The hour is not neglected; all has its place, and its time; sobriety, order and economy appear together; man is careful of his business, the wife of her domestic duties: they are her pleasures, because she cares for them with zeal. In this harmony of the conjugal union, quarrels and disputes never disturb the order of their harmony. United by the bonds of the most tender affections, it is so, that in the bosom of virtue, love and friendship, are transforming into flowers the thorns of life.

In politics, as in morals, the most upright men, the most high minded, can fall in error, innocent victims of deceitful illusions. Like this beautiful, luminous globe of light rolling over our heads, the human spirit has its limits beyond which it cannot go, and in spite of all its might, it has not been gifted with the power to attain at the degree of perfection which foresees all the obstacles in the various circumstances of life. The greatest, the most eminent philosophers themselves have acknowledged their weakness; but reason, if we use it well, it may preserve us from the errors inseparable from human nature; if it is an infallible guide, or the best, in this thorny career over which we must run, have we anything dearer than this high faculty? Does it not, must it not control all our actions? must we not avoid all the occasions which could be the cause of

altering it, from so many examples under our eyes, of the fatal consequences of intemperance, and of disorderly propensities in the absence of so salutary a check? Ah! of how many evils we would be rescued, if less blinded by our propensities, we were directing them to the profit of morals, by the assistance of so powerful a faculty?

If the excesses of intemperance are great evils to any man addicted to such a vice, these evils are much more serious in the society where he is overwhelmed by scorn and contempt, and these excesses, in intoxicating his reason, may induce him to commit some actions deserving chastisement by the laws.

From such an argument, it does not follow, that to be temperate, sober, and of a well ordered life, we must totally divest ourselves of our habits and natural propensities. Such severe maxims would place man in a permanent war against his own nature, warring with himself, and rendering him burthensome to society, but all admonish us, all assure us, that our sensual propensities must be governed by reason, for the sake of our own welfare, and that, the fear of consequences, often frightful, that may happen to us, and to society, if we are not assisted by so noble a faculty.

If temperance is an essential virtue for our happiness, for the good order of society, intemperance is one of the most pernicious vices, carrying with it all the others. It is best then, that we do all in our power, by a continual vigilance of our honor to guard against this fearful vice, to resist our propensities, and to contract early the habit of resistance; this habit once taken may render very easy things that at first sight may appear impossible. We must only have well observed the horrible effects of intemperance, added to an strong resolution, to destroy this vice.

Temperance, says an old writer, *is the vigor of the soul.* It supports the strength, a quality worthy of the consideration of men.

These thoughts corroborated by experience, teach us

the utility and the obligatory duty of a steady reform in our vicious propensities, and principally those addicted to the immoderate use of strong and spirituous liquors, who destroy secretly their mental faculties, and make them unfit for any employment in society.

Let us here consider the man in the great political chain of social order! Let us see him in his relations with society, of which he is a member, to co-operate and share in the common welfare! Rich or poor, every man has to fulfil some duties. Long habit in the practice of these duties can give us the appearance of a scrupulous probity. To fulfil rightly these duties, we must understand them—the importance of some of which requires knowledge, and our reasoning. It is not in prostituting our reason that these duties can be rightly fulfilled. The first of these duties, the most essential to the conscience, will be always the homage and deference due to our Creator; the others, which is due to society by the good examples of regularity in morals, a scrupulous attention, an unblameable punctuality in the line of our profession, and it is not a being subordinate to his vicious propensities, addicted to his sensual appetites, day and night in the taverns, the coffee houses, scenes of impurity, who will fulfil these duties with the zeal and the necessary attention that an honest man ought to possess. The appearances will take the place of reality—little by little the spirit will fall in heaviness, that will be but a routine—the idleness, the dissipation will be the cause infallibly of a negligence in the order of these duties. The application, the exactness will be no more the same; the passion of blustering pleasures coming next after the love of labor, interest, cupidity will not delay to go beyond the limits of the delicacy; fraud and corruption will follow. These things getting a foothold, many people will be anxious to perform the same things, from the example of these honest gentlemen, who have only such a name. The example will be pernicious. Society will be suffering. From the class of private men, the evil will

reach as far as the administration of public business. The equilibrium will be disordered—the people, victims of such a depravity, will soon be burthened by its effects. Troubles will begin to arise from every side, the outcries of party will be echoed; in this conflict of interests, of public opinions, the spring of all these elements of discord, everybody with animosity will defend his party.

From that, all these hostilities directed against an Administration surrounded itself by the innumerable difficulties of this perverted order; from that, all these plots framed by various interests, assisted by the power of eloquence for the success of their cause; patriotism, liberty, are but mere words—it is the reign of egotism. Then the cup of evil is full; the State is sinking; it has no strength, no consistence, no solidity. These are the real causes why a great nation may fall from its strength, and its dignity, and be transformed into a miserable people by the relaxation of their moral duties. Like an honest man who knows not how to keep a bridle on his passions, may fall in a shameful and disorderly situation by the same cause. In such an alarming crisis, the only remedy to this evil, is a general and a steady reform in the morals, and this reform can only be commenced by temperance.

From all the human calamities which have afflicted us for many years, and which have reduced us to our present state of distress, the most pernicious, the most disastrous, and which the consequences have been the most fatal to society, is this relaxation in our moral duties, which has produced among us the excess of intemperance. This vice, which always appears in company with the others, is one of those which has been the most important to begin to destroy, by the disorder increasing so rapidly in our towns and country, like a violent stream threatening us with the greatest dangers.

By the numerous Societies which have been established on all sides, they must but applaud the zeal, the activity, and the efforts of the numbers to combat and

destroy this vice, or, at least, by a salutary curb, to make it unable to prejudice. The list of the members of these Societies increasing every day, has shewed with what eagerness these real friends of order have adhered to their establishments to bring again to temperance those who have been deserters, giving themselves the example. This proceeding, worthy of a wise people, must attract the real friends of order, the gratitude of their fellow-citizens, and the Divine Protection for the success of an enterprise as useful as honorable, *a general reform in our moral duties ;* the only way to see rise again among us peace, abundance and prosperity, and for which, in my humble capacity, I will do all in my power to co-operate to so worthy a deed, the public happiness.

A

LECTURE,

DELIVERED BEFORE THE

GEORGIA HISTORICAL SOCIETY,

IN THE UNITARIAN CHURCH,

SAVANNAH,

On Wednesday, 29th March, 1843.

BY EUGENIUS A. NISBET.

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LECTURE.

THERE is something very remarkable in the circumstances which attended the planting of the colony of Georgia. The enterprise had its origin, neither in individual cupidity, the lust of conquest, or national vanity. It was begun neither to extend nor to strengthen empire. It was conceived, not in the councils of the State, or the cabals of Party, or the conclaves of the Church. Its projector was prompted neither by love of adventure and fame, like Raleigh —by pride and avarice like the Hidalgos of Spain —by the expectation of a provincial lieutenancy like the warriors of Rome—nor by hereditary hatred like the African Hannibal. The object, was not, at the beginning, to diffuse and increase knowledge amongst men, to enlarge the sphere of the useful arts, or to stamp upon the virgin soil of the new world, the then virgin principles of popular liberty. These it is true were its fruits; but even holier than these were its ends—higher than even these sublime altitudes arose its aims. It was based upon Christianity, and its end was Charity. It was conceived in the unsolicited, unbought, Divinely sanctioned benevolence of a warm and generous heart; in the councils of a bright, strong and commanding intellect. So beautifully romantic, so fresh and pure and picturesque was the charity of the design, that about it played the sunshine of regal favor—upon it united the court, the camp and the country, and philosophy, smoothing

her furrowed brow, caressed, benignantly, the crusaders of love.

The lands lying between the Savannah and the Alatamaha, and from the head springs of these streams westwardly to the Pacific, were erected into the Province of Georgia and placed in the hands of corporators *in trust*, not for the crown of Great Britain—not for the use and benefit of military adventurers, or commercial monopolists, but *for the poor*. The Charter was a Trust deed, and "the distressed of England and the persecuted protestants of Europe" were the Cestui que Trusts. In the annals of charity, men have given estates and time and talents to the poor. Royal beneficence, by private bestowals, has wiped the tears of suffering from the marred face of humanity; and foundations have been laid by associated benevolence, to provide homes for the wanderer and the houseless: but when before did the State, by public authority, plant on the basis of human suffering and human sympathy, an empire, whose territory is broader than the lands of Europe, whose soil is richer than the flooded fields of the Nile, and whose climate is sweeter and more varied than than that of Arabia, the blessed? Never—never. This instance stands alone, sublime in its isolated beauty and magnificence. George First sold the sceptre of the west, to gratify the caprice of royalty, indulge a favorite, or foster a fashionable sentiment. But the far reaching vision of Oglethorpe saw in the remote future, the gorgeous outline of the Western State, with liberty and law, knowledge and virtue, resting secure beneath its protecting shade. An empire of love, a new earth, wherein might dwell righteousness, unscathed by European crime, tyranny and intolerance; where virtuous

equality might constitute the basis of Government ; where peace might reign in prophetic fullness, and where man might rise to meet the descending dignity of the Divine nature. It was indeed a glorious vision—but no impracticable dream of the day, as the event has proven.

Upon your beautiful bluff, now skirted with the world's commerce, Oglethorpe planted no standard but that of the cross—unfurled no banner but the blood stained banner of God. The wan-worn multitude came hither with none of the pride or pomp of conquest, they seized the soil with no victor shout, but with songs of rejoicing and with pœans of praise. One of the signs of old which heralded the coming Saviour, found amidst the selfish phariseism of Jerusalem, was the preaching of the gospel to the poor. And one of the signs of the seventeenth century, seen amid the thrones of the old world, was the Trust benefactions for the poor, bestowed by Britain's Imperial power. Little did the crowned heads of Europe then think that the colonists of America, would, in less than half a century from that day, realise a new political dispensation. At the head of the colonists came General Oglethorpe, who united in himself the charity of the Moravian—the zeal of the Wesleys—the chivalry of the Crusaders—the dignity of the British aristocracy, and all the fascinations of genius and science. He was potent enough to bend to his views conflicting party interests, to subsidise the pen of the poet, and to harmonise the always warring opinions of religious sects. In the infancy of the the colony, he was its sustaining spirit—in its weakness, its strength—in despondency, its hope, and in triumph its pride. A young man, yet wise and paternal, a man of wealth, yet a labor-

er; a man of letters, yet of sound practical judgment; a warrior, yet gentle as peace and bland as innocence; a monarchist, yet tolerant of Republicanism; a cynosure at the court of St. James, yet a voluntary exile from its courtly halls. Others gave to the enterprise patronage or means; he gave himself. For aught that I know, upon the very spot upon which is now gathered this array of fashion, of beauty and talent, beneath primeval protecting pines, he pitched his tent. Here he gave laws to the colony, conciliated the savage kings who came to do the honors of Aboriginal hospitality, organized a military, reconciled conflicting interests, ordained the worship of God, founded your beautiful city, and planted the germ of those elevated sentiments which live at this day in the descendants of the people of that day. Nor was he alone; greatest, but not solely great, around him gathered many lofty spirits: among them were men of God; the ardent and devoted Wesleys—the stauncher and sterner Whitfield. Such was the beginning, now see the end. With the usual vicisitudes of weal and woe, the colony grew into vigorous adolescence, contending successfully against division, disease, Aboriginal wars, Spanish arms and the step dame charities of the parent State. At length came the Revolution of '76, into which she entered with promptness, and whence she emerged with glory. Beyond the Western Atlantic is heard the voice, as it were, of many thunders—it comes booming across the seas like the discharge of Milton's celestial artillery—it strikes the thrones of Europe, and lo! they tremble—it smites the sceptre of Brunswick and it is shivered. The masses of the old world, aroused from the stupor of ages, catch the uproar as it dies eastwardly in the

distance, and rejoice, yet with alarm and apprehension. What voice is this? It is the voice of popular liberty, announcing to the listening earth, *that all Governments are trusts, and that political power is but a delegation from the people, to be exercised for their benefit and revoked at their pleasure.* Georgia became one of those thirteen brilliant gems, which yet in history adorn the race. And upon the doctrine of governmental trusts, was reared that stupendous social fabric, the American Union, whose physical resources, intellectual power and moral grandeur overawe the nations. *This is the end.*

But where now is the trust for the poor? Did it cease with the independence of the States? By no means; its spirit yet lives, and its obligations rest with more emphatic impressiveness than any where else, upon the Georgia Historical Society. In a most interesting sense it is a Trustee for the Poor—the People are the Poor. You have assumed to be guardians of the Literature of the State. A part of the duty of the Society in fulfilling this Trust, is to build up and sustain a *Home Literature.* How best to discharge this duty, is the enquiry, to which I invite your attention.

Literature is a term of wide and rather indefinite meaning. In its most comprehensive sense, it embraces all knowledge amongst men, whether written or orally communicated, or yet retained in the mind. The books and knowledge of an age or a State, therefore, constitute the literature of that age or State. Thus we say the literature of Greece, or of Rome. of the fourteenth century, or of the age of Elizabeth. A more limited meaning, defines the learning acquired and promulgated in one department of letters or of science. So we say Polite Li-

terature, meaning thereby the lighter and more fanciful books or acquirements of the day. So the Literature of the Arts. By *Home Literature,* I desire to designate the knowledge of our own People, whether found in books, taught in the schools, or promulgated from the Pulpit, from the Hustings, or at the Bar.

It may be said that no one of the States can create and maintain for herself a separate and distinctive literature; that the same language, the same descent, the same social and political institutions, will, of necessity, form for all the States the same literature. The grounds of the objection are not true. The habits, climate, and social, and to some extent, political institutions of the States are different, and the literature of each, will be and ought to be, adapted to the varied condition of each. Until the Government of the Union is consolidated, we neither desire nor expect a consolidated literature. Until some great central city, the seat of a central government shall arise to dictate to the empire, all laws of fashion, taste, property and privilege, we shall hold the power of moulding to our condition our own literature. Paris is France, is the boast of the Gallician metropolitan. Here, we rejoice to say, the People are the commonwealth. Admit, however, the truth of the position, it is still the duty, and because of its truth more imperiously the duty of the guardians of education and letters in Georgia, to do their part in giving form and direction to the literature of the Union.

Among the responsibilities of the ruling minds of a State, perhaps the greatest, by no means the least, is that of starting its literature upon proper principles and directing it to proper ends. It derives pe-

culiar weight here, from the fact, that we occupy a position in reference to the subject, which no age of the future can possibly hold. We are present at the beginning—the past with its lessons of experience and the future with its hidden destinies, are before us. Letters and government, so influential upon each other, start here together in the race of improvement. We have no religion to dig from the rubbish of Pagan centuries, or to fabricate in the laboratories of merely intellectual philosophy; the Paganism of antiquity we have buried in the dust which eighteen hundred years have cast upon fallen empires, and the religion of the intellect uninspired, has yielded reluctant supremacy to the religion revealed from heaven. We have an established religion, grafted upon the conscience and ordained of God. The American Union, is quite as striking in its formation, as was the settlement of the colony of Georgia; there was for this great empire no past, no progression from barbarism to refinement; our progenitors were neither ignorant savages, nor cultivated Pagans; our foundations are laid amid the broken fragments of a by-gone world; we have beheld its glory and seen its shame; we are the compacted embodiment of its political virtues; the arteries of fallen States, are obstructed in death and the fluids which gave them life, flow through our veins—a giant progeny, mature at birth. Upon the youthful brow of Columbia have settled the frosts of age, but they are the hoar concretions of Europe, and Italy, and Egypt, and Assyria, and Greece. She has wisdom without personal experience—the strength of manhood, not having known the impotence of infancy. She enjoys, it is true, a literature, acquired not by creation, but by appropriation. Peculiar to her-

self, Georgia may be said to have laid only the foundations of literature; upon this foundation we are called to build—it is a serious vocation. The soil is fallow and rich and lies kindly to the sun; it invites the sower's care. We live in the spring time of letters, let us cast the seed that others may reap the harvests of summer and gather the fruits of autumn.

"Let me write the ballads and I care not who makes the laws," is a saying replete with truthfulness. Domestic airs and national songs catch and embody, and contribute in forming, the public sentiment: laws are but the expression of that sentiment. John Howard Payne's *Home*, because of its theme and the soft and soothing music to which it is set, rather than because of its intrinsic merit, does more to inspire and maintain the domestic virtues, than a thousand homilies; and the *Star Spangled Banner* of the virtuous and enlightened Key (now alas! no more) has curbed the lawlessness of ambition, nerved the arm of the soldier, and cheered the Tar, amidst the storms of the deep and the wilder horrors of the battle. It is like another star set in the flag of our country; who can listen to its poetic patriotism and fail to feel its inspirations? The Marseilles Hymn and the Jacobin Songs unchained the Demon spirit of Parisian Democracy—the spirit of Burns lives on the hills, in the glens and amid the braes of Scotland—victory perched as often upon the clarions of Napoleon, as upon his Eagle Banner—and the armies of America shall always march to triumph to the stirring notes of Hail Columbia; whilst each human heart that beats upon this green earth, tells its pulsations responsive to some song of love, embalmed in music.

One might certainly say with truth, "let me write

the books, and make the speeches, and educate the youth of a country, and I care not who makes its laws." The manners, morals, and politics of the people, emanate from those primary thoughts and elementary principles which they derive from books and oral instruction. The nursery, the fireside, the school room, the university and the library, are the moulds in which character is cast—character, both personal and national, intellectual and moral. The parent, the school master, the author and the law maker, derive their knowledge, and oftentimes their moral principles, from books. As the instructor, so also as a general rule, is the learner. In our country, the laws and their administration depend upon the virtue and intelligence of the people. Let the guardians of the people see to it, that they read the right sort of books.

Suppose for a moment that the multitudes who now dwell upon our soil were subjected to the sole influence of Byron's misanthropic and licentious, yet most seductive and brilliant verse; or to the persuasive and kindly, yet irreligious rhapsodies of Shelley; to the amorous ditties of Moore, or the infidel philosophy of Godwin, or the demoralizing novels of Bulwer—(Eugene Aram for example, wherein guilt and crime are so hung about with the drapery of virtue, that they lose their hideous forms, and the reader becomes so enamored with the homicide, that he first excuses, then justifies, and finally imitates the infernal heroism of the murderer)—what would be the state of public morality?

Displace wholly the legitimate Drama, and substitute the tricks of the mountebank, the song of the Bacchanal, the senseless imitations of Mr. Rice, voluptuous hints and sensual *double entendres*, and the

motive poetry of Fanny Elssler, and would not the stage become infinitely more than it is the pander to vice?

Sweep from our firesides and draw away from the bosom of our families, the Bible, the Catechism, the Sunday School Tract, the Temperance document, and the Religious biography, and place within the chambers of our wives and upon the toilets of our daughters and upon our school house forms, the legends of an obscene mythology, the impracticable visions of romance, magazines merely of fashion, poetry steeped in licentiousness, and philosophy guiltless of homage to God, and would you not surely poison the fountains of social life? Burn the commentaries of Madison and Hamilton and import the tory doctrines of British statesmen, and you educate your citizens for monarchy; or make for the people "The Rights of Man" a manual, and you make them anarchists. Tear down the bulwarks of the Protestant faith, and see a world submerged beneath a moral deluge. Read the history of French literature and then read the history of the French Revolution. Read the history of the French Church, then read the history of the "Goddess of Reason." These illustrations, better than the closest analysis, show the importance of the subject. Its extent may be understood by reflecting that the literature of a State embraces all that is written, from the tales of the nursery, for example, to the "Novum Organum" of Bacon. It touches either directly or remotely every interest of humanity, both for Time and Eternity.

The English, French, German and Italian literature among us, is both an aid and an obstacle to the growth of our own. Were we content with this, it is true our taste would be delighted, our knowledge

extended and our judgment strengthened, but perhaps all at the expense of morality and republicanism. We want a literature founded upon our own institutions, in harmony with the sympathies of our people, and wholly auxiliary to Christianity. In so far as foreign books are the media through which bad politics, bad manners and bad theology are introduced into our country, I unhesitatingly pronounce them evils. Social life in the States, is more in danger of being corrupted by foreign books than any thing else. Wealth and liberty and knowledge, give birth to luxurious living; simplicity is called vulgarism; and sated with the novelties which home affords, we look abroad for new modes of indulgence. There is great, and often among us, ridiculous reverence for any thing foreign; foreign thoughts, foreign principles, foreign conduct. Homebred virtues, the stamina of honorable life, are despised, and we ape the follies of London or Paris with more than provincial subserviency. These we find in many of the books they send us. To guard against the evils, whilst we extract the virtues of foreign literature, is the imperious duty of every American citizen. It is right, indeed it is a measure of necessary self-defence, to protect our altars and our homes and our institutions from those influences which the old world wields through the press; doubly dangerous as to England, because of that sameness and sympathy of character and vernacular identity, which characterises the people of the two countries.

The literature of France is more to be dreaded here than that of any other country of Europe. Of late years her scientific discoveries have been more numerous and useful than those of Great Britain. But this good is counterbalanced by the rottenness

of her entire moral system. They are a light hearted, generous, enlightened people, but impulsive and fierce as the whelpless tigress. Their philosophy is changeable and visionary, and the religion of the state is an amalgam of human pride, human passion and human pageantry. Their philosophers are the greatest propagandists of moral error—"*Timeo Danaos et dona ferentes.*" They know not God and reverence not his name; therefore I fear their literature. Strange have been the dealings of Providence with that gallant people! The end is not yet, and will not be, until retribution shall have fully atoned for the past and guaranteed the future.

Far be it from me to undervalue the inheritance we derived from England. It is the richest that ever was bequeathed—a boon worthy both the donors and the recipients. Although she drove us to Independence by political oppression and religious intolerance, yet even that coercion was a blessing, inasmuch as it gave to humanity a refuge, lighted up the new world with the beacons of Freedom, and adorned her ten thousand plains with temples dedicated to the true God. England is our parent still. We are bone of her bone and flesh of her flesh. We are of the venerable Anglo-Saxon blood. We speak the language of her kings and her people, in which (if I might become for the nonce a prophet) is yet to be written the laws of universal domination, and in which is already writtten the purest and deepest literature of the world. I honor England for her ancient renown; her moral power; her intellectual strength; her indomitable enterprise, and her Protestant faith, and I almost venerate her, as the greatest of all secular instruments in the hands of Providence for propagating the gospel. For whether she

wills it or not, she is the Missionary of the Cross. Religion must needs follow in the track of British commerce and conquest. When her power breaks the seal of national exclusiveness, whatever else it may accomplish, it lets in the blaze of the gospel day. The philosophy of Newton and Bacon is ours, and so are the numbers of Cowper and Coleridge, of Rogers and Montgomery, of Wordsworth and Burns. We live and breathe amid the sublimely magnificent creations of Milton, the almost inspired, the light dispensing blind man of Albion's sea-girt isle: in moral stature, gigantic as his own Lucifer "in shape and gesture proudly eminent," in purity, serene and lovely as his own Adam before the fall. And who does not count himself fortunate that has read and still delighted may read again, the plays of Shakspeare? We can say of Scott as Tacitus said of Agricola: "*Bonum virum facile crederes magnum libenter.*" We have the right to weep over the touching tenderness of Mary Howitt, and to be soothed and reformed by her most graceful simplicity and truthfulness; to mourn over the tomb of Miss Landon, and to be stirred with the passions, stern and tender, of Joanna Baillie. Were I called to designate the greatest critic of this age, and unsurpassed by any writer of any age, I should point to Macaulay. But why enumerate? Are not the verdant lanes and fruitful fields, the palaces and the cottages, the classic valleys and castle-clad hills, the trials and the triumphs, the religion and the laws, the eloquence and the honor of old England, all our own?

And yet—and yet the publications of our fatherland come to us tinctured, nay, strongly marked, with the theories of government, church establish-

ment, and style of manners peculiar to her. In all things she is true to her interests. Her letters as well as her arms subserve this end. Her great writers, with few exceptions, from the very necessity of their position, are the advocates of her institutions and the apologists of her policy ,both state and ecclesiastical. Her political system, however it may in some respects approximate to, is still in antagonism with ours. A throne encircled with a privileged order and supported by a vast property monopoly, she claims to be the perfection of government; whilst we lay the foundations of good government in popular equality, knowledge and virtue. We dare not forget that the money, and the arms, and the public sentiment of Great Britain, are pledged to undervalue those representative principles which we value so highly. Her social system takes its form and body from her political institutions. She has adroitly mingled the forms of the church with the forms of civil office. She holds the ministry to a strict alliance with the crown, by dispensing earthly favors to the devotees of the cross. The *sanctified* heart, she knits to the state, by feeding it to the full with the *pottage* of power, whilst the Gothic grandeur of the establishment sheds upon her wide empire the influence of a divinely approved system of civil polity. Arrayed against what one of her latest historians calls innovation, stands a prodigious concretion of power; its elements are knowledge, time, opulence, religion, physical strength, interest, pride and the press: by innovation, he means any and every attempt to change, either her own system or that of Europe. Aside from and opposite to all this, stands the tower of American Liberty, reared in simple beauty and chastened magnificence, upon the basis

of free opinion. We rejoice in that liberal and wise policy, which has made England and America the joint pacificators of the world—the co-working benefactors of the race. We claim not the right to ingraft republicanism upon her ancient stock; we submit not to be innoculated with her social poisons: but we shall so submit, unless we protect our literature from too strong an infusion of trans-Atlantic books. These books are not unfrequently the fœted exhalations which the sun of prosperity engenders in the carcass of a calm world. They reveal the horrors of the prison house, number the sorrows of a crowded population, detail the incidents of crime-packed cities, feed the fancy with voluptuous details of high life, relax the tone of truth and justice, and enervate the spirit. Such books are dangerous companions for the young; and such are the books which American publishers offer in too great profusion to American readers. What then is to be done? Exclude the whole mass of foreign literature by prohibitory duties or penal enactments? No, by no means. But first amend the law of copyright, give countenance to, and demand for, home productions, and so purify the public taste and so rectify the standards of public sentiment, that the people may appropriate what is good and discard what is evil.

It is true in relation to books as it is of commerce, that demand causes production; it is not true however that increased supply lessens demand; the more we read the more we want to read. Intellectual appetite is but whetted by feeding. The more the energies of the intellect are tasked, the more vigorous it grows. Indeed there is no assignable limits to mental improvement, either in individuals or nations. There must, however, be a beginning.

Readers are indispensable to the production of books, and the mind must be cultivated before it can acquire a taste for letters. Although but little refinement is necessary to the appreciation and patronage of some kinds of literature, yet an enlightened public is indispensable to science, philosophy and the arts. The rude minstrelsy of the Troubadours, the songs of Scotland, and the early lays of England, even the heroic numbers of Homer, were heard and loved and patronised by ignorant multitudes; yet the age of Augustus could alone inspire the polished strains of Virgil; the knowledge of the age of Elizabeth could alone evoke from the recesses of mind, the standard British classics; whilst schools and colleges and universities are founded upon the tardy literary accumulations of centuries. In execution, therefore of the trust which devolves upon us, it would seem to be indispensable to educate the people. Not assuming that our people are destitute of education, I do yet assume that education should be conducted, in our State, upon the foundations of the Bible, and extended until all men shall be the readers of books and the judges of literary merit, and shall furnish in themselves standards of correct sentiment.

The State ought to be the chief patron of education; it is a common want, nay, a common necessity; and in as much as light is with us the great conservative agent of liberty, it is a mean of the most unquestioned political policy. It is as much the duty of the government to educate the people as to protect them from foreign foes or domestic violence. Ignorance is the most fearful of all the foes of freedom, and that violence which is more destructive to individual happiness and social security, than intestine wars, sectional collisions, or legal insubordination, is the

violence of unsubdued personal passions. No one doubts the obligation of rulers to secure to the citizen the rights of property and of person and of conscience. And what is property worth if the mind be so dark that it knows not its uses, or the privilege of locomotion when the intellect is imprisoned: and what avails it to talk about the rights of conscience, when that conscience slumbers steeped in the stupefaction of ignorance? The error of all governments is and has been to provide for freedom, external defences, armies and navies for national security, whilst the empire of the individual heart and mind has been left to take care of itself. No nation is stronger, or wiser, or happier, than the individuals who constitute it. The only legitimate end of government, is to make wise and happy individual man. If these be truths, the obligation of government to educate the people is demonstrated.

But that the governments of this union can be efficient patrons of education or of literature, is more than questionable. Experience thus far, denies its practicability, and particularly the experience of our own State. And here the experiment ought to be held a fair one, because there has been no controversy about the constitutional power, nor has there been any deficiency of means. Starting with an ample outfit, our system of Poor school and Academic education has proven a palpable failure. The operation of like causes has to a great extent impaired the usefulness of our university. The agents of that system are too numerous, badly selected, and all irresponsible; over it there is not and cannot be an efficient visiting power; and its appointed head, the Legislature, is beyond all other depositories of such a power, unfit for its conduct, either in outline or in detail. It

wants all the elements of a good literary patron, stability, liberality, and enlightenment. The halls of the Capitol are theatres for party manœuvering; Apollo and the Muses give place to Momus and Mercury; Minerva presides in the temple only when the worshippers have retired. Education is subjected to the whirl of party mutations: to build up and tear down and then to rebuild with the purpose of future demolition, seems to be the vocation of majorities. And with the adverse currents of party politics mixes a deep and bitter flow of denominational rivalry. Religious jealousy, not the least active principle in free states, adds its venom to a cup already so drugged with disastrous elements. What a commingling of all the ingredients of ruin? It is perfectly miraculous that the University of Georgia has lived at all under such guardianship. Its growth has not been healthful and steady, and it would long ere this have added one more to the monuments of popular folly, but for the watchful care of its officers, and enlightened minds operating in its behalf, without the region of politics. It would be to-day a magnificent foundation of letters, had it even been let alone. I do not mean to say that it has not been and is not now a useful college; it has done great good: its influences are felt in the villages and towns of the State, in her laws, in the pulpit and in the councils of the Federal Government. What has made it what it is, though still so much below what it ought to be? Why the voluntary appreciation among the people of the importance of education, and the active sympathy of a few good and great men? an appreciation which is daily widening its healthful circle, and which it will be the business of this Society to make universally prevalent. No, none but despotism by its iron

nerve,or aristocracy by its moneyed accumulations can be, through the exercise of public power, profitable patrons of letters. Could we attain to that state of social perfectibility, when all are enlightened and all virtuous, then would the people, through public agents, sustain education. To attain this state is the desideratum, and until attained the good and enlightened must act apart from the state. In one sense, however, our republics cherish education and literature. The fundamental law, in all its provisions for freedom, fosters all learning.—Under shelter of the constitution, the people are free to teach and to learn; to accumulate property, and to apply it to educational purposes. Letters find their guarantees in security of property, freedom of the press, and in that intellectual liberty which claims all the realm of thought as its own dominion. These depend upon no caprice, personal or legislative. Education too in the popular mind, is happily associated with the permanence of our institutions; to bestow it, is therefore a suggestion of patriotism. These are the foundations upon which Science rears her temples; within these walls of political privilege, we plant our infant literature; the genial heavens above it, the state around it, and all men its cultivators.

The Church has done and can do more for education in Georgia than the State. Its denominational divisions make it more useful in this regard than if acting as one body. In each of the leading sects of the State, there is combination, without unwieldiness, unity of plan and concentration of means. A generous rivalry, stimulates to effort; the struggle is who shall do most. All build upon the same great moral platform, and about each pupil taught in the schools

and colleges of the churches, is cast the influences, the restraining, humanizing and ennobling influences of Christianity. Oglethorpe University, the colleges at Oxford and Penfield, the Female College at Macon and the Montpelier School, are the first fruits of the union of religion and education. Education is the handmaid of religion, and Christianity is the benignant mistress of literature ; both deal with the mind : standing aloof from the selfish toil and noisy strife of politics, they seek to enlighten and regenerate the soul. The teacher and the preacher are abroad to ransom a fallen world, one from ignorance, both from sin. Christianity comes with her commission from God, and adding human means to divine power, asserts her empire over the heart and will. All human knowledge needs her guiding power, else it but bewilders and misleads. Science unsanctified enhances capability to work evil, but steeped in the fount of God, prepares humanity for the reception of the Gospel. Perversions and corruptions of our holy religion court the darkness, because their deeds are evil ; but the true faith has its happiest play in the broadest fields of light. False religion, like the bird of night, lives only in gloom ; her liberty is alone sustained by an all pervading intellectual bondage. Mere worldly wisdom darkens the heavens that it may rule on earth ; it seeks to be itself a God, whose divinity prevails so long only as knowledge is withheld from the masses. But when the lamps of knowledge are lit at the blazing throne, how gracefully and healthfully their mild beams mingle with its glorious effulgence ! An educated ministry and a pure church, I am satisfied, are the safest depositories of education. The Bible must be the corner stone of a Home Literature. It is the radiating focus of all

knowledge. To know God, is to be inspired with a proper self respect; allied to Him, and with Him forever to dwell, how little are the honors and estates of time. To realize the destiny of the spirit is to walk this earth its master in spite of chance or change. "*Celumque Tueri, et erectos ad Sidera, tollere vultus.*"

Knowledge of God, alone inspires a just sympathy for our fellow creatures. We weigh them in the scales of immortality and learn their value. They are to us brothers—in suffering here, in beatitude hereafter; co-labourers in time, co-heirs in eternity.

Knowledge of God, alone gives freedom to intellect and a wise direction to genius. Without it the mind, like Lucifer fallen, ranges ruler of a nether world; with it the superextended veil is rent; a quicker and deeper energy seizes the spirit, and its course, like the first created beam is over all the empire of heaven. It was this knowledge which brought the Pilgrims to the Plymouth rock, the Hugonots to Carolina, and the Saltzburgers to the Savannah; which founded the American Union, and which in the fulness of time shall emancipate the world.

Union of the Church and schools need not be dreaded, provided there is no union at the same time of Church and State. The most potent and disastrous combination which history exhibits, is that of the Church and the State, with letters. Clothe the government with the livery of religion, and arm both with the panoply of letters, and you organize a resistless tyranny. Christianity withers in the embrace of the State; she is no longer of God but of men; she is her own counterfeit, and a curse. Instead of controling the heart by principle, she con-

trols conduct through the political good she has at her bestowal. Linking together the hopes of heaven and the offices of earth, and holding the keys of knowledge, the government commands the obedience of the subject. This is the cement that binds together the masonry of European thrones. In Sweden the ministry is learned. To be able to read is a term of communion, and communion necessary to civil office, and the clergy are the school masters. And what is the result? The superabounding of crime and a compact despotism. The statistics of Sweden show, in her most enlightened districts, one criminal to one hundred and fifty of the people; a result seen no where else. On the contrary, where religion and letters act together, apart from the state, the most healthful morality prevails, as in New-England.

Whilst our constitution and laws make education a right of the citizen and protect him in its acquisition and use, the conscience is left free. Religious tests are prohibited; divine worship is shielded from molestation; the sanctity of the Sabbath is recognised, and justice administered, and official fidelity secured, by the oath on the holy Evangelists.

To build up a literature it is important to secure to literary labor a just reward; not in titles, or privileges, or pensions, but the law should give to literary men absolute property in the productions of their minds, as in the cotton bags of the planter, the fabrics of the manufacturer, or the profits of any investment whatever. The law throws around the capital of mind no adequate protection. Authors are less favored than any other class of citizens. From no kind of wealth does the nation derive such permanent benefit, as from the creations of genius, the

improvement of the arts and the discoveries of science. Compared with these, gold, and stocks and credits are but as vanity and a lie. Who shall say that the knowledge of the citizen is not his own, acquired as it is at great pecuniary cost, laborious toil and not unfrequently at the sacrifice of health, competence and domestic bliss? If God has ordained property in any thing, it is in the results of mental labor, as a bounty to production; and reason and expediency confirm the justice of the Divine appointment. If mind is the rightful property of man, native and cultivated, its product also is his rightful property. It is true that the identification of thought as the property of one person to the exclusion of all others, is difficult, sometimes impracticable; yet when impressed in intelligible characters, systematized and promulgated, there are tangible and visible and describable marks about it equal to its identification; and all who publish do so, or ought to do so, liable to that restraint which is necessary to the inviolability of the rights of others. Copyrights ought to be an unrestricted property, transmissable as an inheritance and vendible in the market. A book would be an available property, only so long as demand exists for it; the value of it would depend upon its merit; the field of competition, therefore, would be a fair one. The Court of King's Bench, in England, after the most industrious investigation, and upon argument alike solemn and profound, determined that unrestricted property in his writings was the common law right of the author; a right founded in the eternal equity of things, and that the "*jus disponendi et fruendi*" belonged to him and his assigns. This decision, however, the *policy* of the House of Lords revoked, and now the rights of authors in England

are regulated by statute. In our country this whole matter is placed by the constitution in the hands of Congress. That instrument provides "that Congress shall have power to promote the progress of science and the useful arts, by securing for *limited times*, to authors and inventors, the exclusive right to their respective writings and discoveries." There seems to be in this clause, a prohibition against unlimited property; yet it is fortunate for authors that *limited times* may mean any time short of *all time*. It is matter of admiration to me, that the bold reformers of '76, did not, with their usual disregard of time-honored errors, abolish all restriction upon literary property. The legislation of Congress under this article of the constitution, is to my mind, exceedingly unwise. It gives to citizens and *resident* foreigners, the exclusive right to their writings for the term of fourteen years, and if alive at the expiration of that time, for an additional term of fourteen years. This is scarcely therefore, an inheritable commodity; and that strong stimulant to exertion, the hope of providing for offspring, is wanting to the man of letters. The law exacts of him a charity which it requires of no body else, and imposes a tax upon him, which if laid upon any other labor, would dissolve the government. One of the worst features of Federal legislation upon this subject is the denial to foreigners of the rights of literary property in the union. This is sheer injustice to the foreign author—to the domestic author—and is the occasion of introducing into the country that mass of literature, which I have endeavoured to show is dangerous to our institutions. Policy, justice and comity, require an international copyright law. It is a demand of the age and sooner or later must be granted. British Books being unpro-

tected, the press pours forth daily tons of foreign sheets: sheets that will sell for a day, stimulants to the passions, and panders to licentiousness. These displace the protected books of our own writers and drive them from the market. The fair dealer never could compete with the smuggler; he must give up the trade or sink his fortune in the enterprise. As the meanest currency will always supplant the best, so the most worthless books supplant the sterling coin of letters. The calumnious notes of Mr. Dickens circulate through every State of this great union, whilst the Columbus of Irving is found only in the libraries of the rich. If foreign books were protected, the vast sums now paid for them would be paid to home authors; demand for home products would be stimulated, supply increased and prices lessened; literature would be as cheap as it now is in a few years, and no books from abroad would be re-printed here but such as are of sterling worth and congenial with our institutions.

What! says the enthusiast, do you mean to say that *money* will inspire genius and develope literature? Would you degrade the etherial mind by trailing it amid the filth and fœtor of earth's avarice? Fame kindles the immortal fire; glory beckons the wrapt adventurer, and standing far above the highest levels of time, invites him heavenward. True it is, glory often woos and wins the Nine, but want oftener. Let man be whatever else he may, he is still a money loving animal; and until the poet who does not provide for his household, is less an infidel than other men, it is his duty to write for money if he can make it no other way. Aside from the motives which the Bible furnishes, the greatest of all stimulants to human effort is the good that

money gives. Here and there, in the lapse of years, you behold one, or a few, who seek reward in the good they are to accomplish, or in a name, which shall travel with the descending centuries. Newton, for example, whilst balancing worlds and analysing the machinery of the universe. Why should it be held a reproach to write for pay? When self-sacrifice becomes a duty, then let men of genius starve for charity's sake, but not until then. Is it dishonorable for the hero, the patriot, or the preacher to take his hire? Is it wrong for the planter to enjoy the products of his estate? Is it mean for the high born inheritors of princely revenues to hold them? Is independence an unworthy motive? You answer, no. It is, therefore, also right that the man of letters should profit by his labors. Let it be understood that an estate can be acquired by writing, and even here, in this our high toned southern land, the land of genius and of generous impulses, there would be no scarcity of writers. Let facts attest the motive of some of the most gifted spirits of the age. For his works complete, Chateaubriand received half a million of francs; Goethe, 30,000 crowns; Moore, an annuity of five hundred dollars for his Irish melodies; the Wizard of the North, the incomparable Scott, realised and lost a princely fortune for his novels; and Byron, whose lowest flight has been represented as a condescending stoop of his sublimated nature, deigned to pocket twenty-one hundred pounds for but one canto of his Childe Harold.

I had desired to show what already has been done in the work, to the completion of which your efforts are invoked, and to advert to the agency which the Georgia Historical Society has had in laying the foundations of a Home Literature, but the time al-

ready occupied admonishes me to forbear. It will be conceded that the material for domestic literature is abundant; I mean to say that the climate is propitious, themes are numerous and some of them peculiar, and the capability of our people unquestioned. Our climate is favorable both to intellectual vivacity and vigor; not so voluptuous as to enervate, or so ardent as to relax, but kindly and varied. We declaim it is true about our Southern sun, tropical heat and summer lassitude, forgetting that Georgia embraces the most happy medium latitudes, alike removed from the intense frosts of the north and the fervor of the line. Our State lies beneath the parallel that passes over Palestine, the valley of Cashmere, and the most beautiful isles of the sea. It is the region of rice and the long staple, of the mountain laurel and the magnolia. The description of Canaan, with slight modification, would truly represent it. "A good land, a land of brooks of water, and of fountains and depths that spring out of valleys and hills; a land of wheat and barley and vines and fig trees and pomegranates, of oil-olive and honey, whose stones are brass and out of whose hills thou mayest dig iron." If localities, as some imagine, make great men, then ought Georgia to abound in them. From the tropical coast to the snow-capped ridge, stretches fair and wide the territory of genius. The Piedmont of the Alleghanies, mighty mountains, fertile plains, brilliant autumnal skies, the sun of the tropics, and the breath of an almost perpetual spring, must, if physical causes may, make men great; great in mind, in virtuous ends and aims. No where does nature bear to man a richer inheritance. The earth of Georgia is full of metal, richer than its gold. It teems with scientific

mysteries; with traditions coming from far, far beyond the flood; with elements of Alchemy which Chaldean sages knew not of; with records which speak of God. Is there not inspiration in her Alpine solitudes; in the bare and barren summit; in gorges where lie embedded the frozen accumulation of ages; in colourings which the orient beam or occidental ray paints upon the mighty range; in the singing brook, the dashing torrent, the cataract, the wheeling circles of the Apalachian Eagle, and in the "old red hills of Georgia." Were I a poet, I would bathe my spirit in these fountains of song.

Geology, Agriculture, Mineralogy, Botany and Natural History, invite to research. The history, the veritable romance of history, of the Aboriginal tribes, remains to be written, their origin traced and their social system elucidated. Themes for romance, for song and moral teaching, are found in the fanciful traditions, spirit worship, relentless wars, personal heroism and wild wood orgies of the Creeks, the Cherokees and the Uchees. Aside from all that has been written or spoken upon the subject of American constitutions, there is yet an object to be accomplished, worthy the highest ambition. It is to trace the origin of our social system through the history of the Anglo-Saxon race; to exhibit the resemblances and dissimilitudes between it and all other systems of government; to show its harmony with, or ill adaptation to, the ever changing habits of the people: to point out the errors which experience has made manifest, and suggest the reforms which national progression requires. But is not the temple of all learning, open here, as elsewhere, to all its votaries? The recollections of the past and the visions of the future, human hope and human destiny, the

charities of social life, the sympathy of kindred natures, arts and arms, truth and duty, and pride and passion, and woman's love and God, all, all invite to literary enterprise. It is a mark of mental nobility to aspire. Who would not rejoice to belong to the peerage of renown?

10

A

LECTURE

DELIVERED BEFORE

THE GEORGIA HISTORICAL SOCIETY,

FEBRUARY 29TH AND MARCH 4TH, 1844.

ON THE

SUBJECT OF EDUCATION.

BY SAMUEL K. TALMAGE,
President of Oglethorpe University.

SAVANNAH:
PRESS OF LOCKE AND DAVIS.....BAY STREET.
....
1844.

CORRESPONDENCE.

SAVANNAH, MARCH 7, 1844.

REVEREND AND DEAR SIR:—I have been instructed by the Board of Managers and the Committee of Arrangements, to express to you the unanimous thanks of the Georgia Historical Society, for the able and interesting Lecture delivered before them on the evening of the 29th ult. and 4th inst., and respectfully to request of you a copy for publication.

I am Reverend and Dear Sir,
With great respect and esteem,
Yours, very truly,
I. K. TEFFT,
Corresponding Secretary.

Rev. S. K. TALMAGE,
Pulaski House.

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PULASKI HOUSE, MARCH 7, 1844.

DEAR SIR:—Your favor of to-day is before me, conveying the kind expressions of the Board of Managers and of the Committee of Arragements of the Georgia Historical Society.

I comply with their request to furnish a copy of my Address for publication; not however without some hesitation, as it was not prepared for the public eye. Being on the eve of leaving the city, my engagements prohibit a needful review of the sheets.

I am, Dear Sir,
With great respect and esteem,
Your Obedient Servant.
SAMUEL K. TALMAGE.

I. K. TEFFT, Esq.
Corresponding Secretary
and Chairman Committee Arrangements.

ADDRESS.

Gentlemen of the Historical Society,

And Respected Audience:

It is with pleasure that I respond to the call of the Society I now address, and bring to it my humble tribute, that I may testify my strong sense of the value of this Association, and my earnest interest in its welfare and progress.

In all the annals of man, and in the history of her sister Colonies, perhaps no State, in looking back to her origin, has occasion, more than Georgia, for the exercise of an honest pride. Whilst the other States of this happy Union are distinguished as having their foundations laid in an ardent love of liberty and a just appreciation of the rights of conscience, Georgia can superadd to these motives the Spirit of Heaven-descended charity. Instead of serried warriors, with their blood-stained banners, to lay her foundations—instead of the spirit of cupidity and a reckless disregard to the rights of humanity, which have too often marked the progress of society, her sons can point to the spirit of their founders with proud exultation, and challenge the world for a purer origin. Philanthropy suggested the project; Philanthropy nerved the arm, and sustained the spirit that carried forward the enterprise. And we would be recreant to the claims which such a source imposes, did we not dwell upon it, and hold it up to posterity as a rich legacy of example. And where, more fittingly, shall such an Association convene to rehearse the deeds of disinterestedness and valor, than in this ancient City, where every spot is associated with some pleasant memorial of the past—its perilous enterprise, its heroic adventure, its patient endurance; on this spot, where the generous heart of Oglethorpe often palpitated with intense anxiety, and where his brow was knit with care for the cherished object of his strong affection; on this spot, where the pure-minded Saltzbergers planted their tents to return thanks to God for his guiding hand amid the wild waste of waters; here,

where the conflict of the Colonial and Revolutionary struggles centred; and here, too, where the WESLEYS expended their pious efforts, and WHITEFIELD breathed his soul of fire—WHITEFIELD, the most gifted for popular effect of all orators, save DEMOSTHENES and CHATHAM, that ever charmed the human ear.

The past history of Georgia abounds, Gentlemen, with thrilling incidents, and especially when taken in connection with her resources and prospects, is abundantly worthy of being embalmed in a grateful remembrance. The story of her origin will yield a rich tribute to humanity, in the developement of the benevolence of her founder and his colleagues. Her resources and her climate are unsurpassed in any land under the broad expanse of Heaven. Her present position is so signally propitious, and her facilities for improvement so vast and multiplied, that every consideration of the past ought to be brought to bear upon us, to stimulate us to action. Sublimely inspiring is the memory of that past—cheering the present—animating the future prospect—if we prove not utterly derelict to our duty and unworthy of the destiny to which the unerring finger of Heaven seems to point.

Let those, then, who have habits and facilities for research, rescue from oblivion the noble sacrifices and perils incurred in founding the Colony — ennoble, in burning eloquence, the lofty enterprise of the first Colonists — and transmit their example on the historic page to a grateful posterity, to inspire them with sentiments worthy of such an origin. Others, I respectfully submit, might, under your patronage, employ their powers in developing the resources for future greatness, and bring their results to your shrine as a thank-offering for the past. Some might discourse on the natural history of a State teeming with the most luxuriant productions, botanical and mineral; some, on the geological remains which lie richly embedded along your coast. Whilst interspersing with, and giving variety to, the disclosures of the past, others might unfold the advantages of our commanding local position, and show how nature intended that the great valley of the Mississippi and the Mexican Gulf should be united to the Southern Atlantic through a door, which the God of nature has specially opened for our entrance. Others, again, like the Mantuan bard to the citizens of ancient Italy, might, by the eloquence of their strains, teach how to fertilize those lands we have been murdering with cruel hand, and thus arrest that destructive spirit of

emigration which clothes in frowns one of the brightest Edens on earth, and which retards the spirit of improvement that would else place Georgia on an enviable elevation among States and Nations. And others still, might profitably investigate the peculiar diseases of our climate, with the remedies nature has planted hard by, to relieve the ills of smitten humanity. Thus the Past and the Present, commingling their streams, could be made to bear with fertilizing power upon the Future. The sanguine expectations of the first settlers of Georgia were not the wild dreams of enthusiasm—for the facilities of progress are multiplied almost beyond parallel, and we have only to avail ourselves of them, and a vast work is done.

By the indulgence of those at whose call I have the honor to appear before you, I design to speak of the claims which the rising generation have upon us, that we may train them up worthily of the ancestors whose names they bear, and suitably to the times and the position they are called to occupy.

It is one of the strong proofs of the wisdom and the far-reaching discernment of the early emigrants to this land, and the first actors in the scene, that the cause of education commanded so much of their attention. The foundation of the best schools of learning in the States was laid during the Colonial period, and those institutions were all the result of private munificence. Nor was this subject overlooked in Georgia. Though WHITEFIELD's early efforts in behalf of his fondly cherished BETHESDA at first only contemplated, by a noble charity, the corporeal wants of the unfriended and the lonely orphan, yet his views soon expanded into a plan for endowing a College on the model of Princeton. He never fully carried out his purpose, principally because the Government at home refused to grant a charter on those liberal principles, in the spirit of which his endowment was raised. Still, his efforts were not entirely in vain. This City, and through it the State, is to this day reaping the fruits of his efforts, and those of his coadjutors.

Mankind are, in the Providence of God, created and placed in a situation in which they must inevitably receive much from their fellows, and impart much in return. The rising generation catch their tone and character from their predecessors. Our race is sent into this world weak in body, plastic in mind and in heart, and imitative in spirit, that parents, teachers, guardians, rulers, may control and mould them. "'Tis education forms the common mind." A nation

will rise or fall rapidly, accordingly as education advances or recedes. Seldom, if ever, does it stand still; elements are always at work to elevate or to prostrate. It is not in mental as in physical nature, that a fallow ground may become richer; constant culture is the price paid for the moral crop.

In view of what children may be made by education and example, an ancient Greek philosopher says: "*Let the child be viewed with awe.*" And indeed the rising generation should be looked upon as a race of giants in embryo; for it is only necessary that the adult educators of one generation should feel their powers and apply fully the means at their command, and their successors may be made giants, intellectually and morally. Let every child be regarded mentally as an infant HERCULES, slumbering in his cradle—let every expansion be given to his growing powers, and sublime may be the result. There is truth in the poet's paradox: "The child is father of the man."

The object of education is to make man intelligent, wise, useful, happy. In its enlarged and proper sense, it is to prepare him for action and felicity in two worlds. The intellect, the heart, and the body, are the subjects upon which to operate; there is an intimate connection between them all; they are mysteriously united, and mutually affect each other in a wonderful manner; their secret communings and reciprocal influences none can fully comprehend or explain.

When the infant opens his eyes upon the creation, he is surrounded by a world of wonders. As the faculties of the growing child are expanded and his powers developed, new and strange objects meet his eye and invite his attention at every turn. Above, beneath, around, within, if he is trained to observation, all teem with impenetrable phenomena. If the mind be left in ignorance, and not trained to thought, investigation and enquiry, when the first novelty of external objects is worn off by familiarity, and the glories of nature have become common by a superficial inspection, the mind will sink into a savage indifference. You may, perhaps, awaken a transient emotion in the mind of an untutored savage, when you introduce to his view some of the wonderful or sublime scenes of nature. Whilst he stands on the summit of some lofty mountain and gazes upon the wide landscape of hill and valley, and plain and forest, or as he views the rolling ocean, and sees its waves dashing against the shore, and

then again retiring in angry murmurs to the raging deep, there may arise some mysterious whisperings within him of a Divine power to be feared. When the earthquake causes the ground to tremble beneath him, or a dark eclipse shuts out the light of day from his vision, and throws its mournful pall across the earth, he may feel as though the Great Spirit were coming down with his tokens of wrath for those sins which disturb his conscience. But under ordinary circumstances he treads over the earth with the stupidity and indifference of the brute creation. His selfishness and his passions are all that stimulate him to action. He is like the blind man walking in darkness, dead to the beauties and the charms which glow around him.

But awaken attention and thought within the youthful mind — lead him to the Pierian fountain and let him imbibe its delicious draughts — conduct him to the temple of science — allure him to the charmed society of the Muses — unlock the treasures of knowledge — unfold the pages of history — introduce him to the acquaintance of the refined arts — let him know the properties, the relations, the laws, the constituent ingredients of the works of the moral, the intellectual and the physical world—and there is mentally a new creation begun.

As the youthful votary of science advances in life, and explores further the fields of nature and art, he finds new worlds of wonder perpetually arising before him; instead of approaching nearer the boundary, it seems to recede forever from him. Each successive advance up the hill of knowledge opens a wider and more extensive expanse to his view, and he finds that he can never reach the limit; his eye dances with joy, his heart is thrilled with delight, from new discoveries; but a shoreless, unsounded deep is still around and beneath him. Sir Isaac Newton, after having "scanned the heavens and walked among the stars," and listened to the music of the spheres, still felt, in view of the unexplored worlds of discovery yet untouched, "like a child picking up pebbles on the shores of the ocean."

When the scholar surveys what has been written in history and sung in poetry, and what remains undescribed and unsung — when he lifts his telescope against the heavens, or with his retort and crucible in hand goes forth and puts nature to the torture to reveal her secrets — when he sees what the pencil and chisel have done to make the canvass speak and the cold marble breathe, and almost to realize the fabled imagery of peopling mute nature with living divinities — when he dives into the ocean of mind, and finds how much of

unexplored and unsatisfactory result is left, after all the investigations of the metaphysician, he feels that time is too short for his work. And yet a vast amount can be learned, and boundless progressive movements are yet to be made, and there must be a beginning and a progress. Others have started lower and later in life than he, and their names are indelibly engraven on the register of learning, and their works destined to live, the rich and common inheritance of all coming ages.

In childhood, the first object is, to exercise the senses and learn the qualities of those things on which life, and health, and freedom from pain depend. In early youth, a knowledge of letters and the simplest rudiments of science is all that can be infused into the mind. It is true, there are important moral lessons to be learned at this period. The child should be taught to exercise restraint of passions and prompt obedience to authority. It is vain to object to forestalling the mind with religious sentiments at that age, before the judgment has taken her seat on the throne, and before an intelligent choice can be made, lest prejudice may sway the mind and give an unjust bias, to the disadvantage of future correct decision. It would be well to consider that passion, and prejudice and error will have anticipated the earliest moral instruction; they are in the field beforehand, and habit is forming and will be soon found forging and riveting its chains; and the lessons taught at that age are written in letters of adamant. First impressions are often indelible—they prove *last* impressions. So that, if we wait for the expanding powers, there is a counteracting evil influence in advance of us. There is no estimating the dependance of after life and of eternity itself, on the bias, given to the heart and the mind at this early period. "Train up a child in the way he should go," is Heaven's unerring direction, "and when he is old he will not depart from it."

In fostering affection and waking up a spirit of enquiry, the foundation is laid for the social habits and intellectual progress of all future time.

A great and good man has recorded in his memoirs the painful fact that, from being excluded from the family circle for five years of his early youth, without a moment's interval, in pursuit of his education, he never could recover that filial and fraternal affection to his relatives, which conscience and judgment demanded of him. That pure fountain which spontaneously gushes up in the bosom of the family was stopped, and he could never renew the current. A distinguished

and successful votary of science bears testimony that, for his insatiable thirst for knowledge, and any degree of success to which he attained in its cultivation, he was indebted to the promptings of a sedulous mother, whose uniform answer to his enquiries was "Read my son, and you will know." Whilst the illustrious and unfortunate Byron, in his description of one of his heroes, has revealed the secret of the waywardness of his own life, when he exclaims:

> "And thus untaught in youth my heart to tame,
> My springs of life were poisoned."

And here comes in the nameless power of woman over our mental and moral destiny. She stands at the head of the fountain of life and directs its flowings to gladden and to fertilize, or to wither and to curse.

It has been a matter of dispute at what age the intellectual education should commence. To this enquiry, I would unhesitatingly answer, though in the face of high authority, that the mind should be drawn to study at the earliest point and to the greatest extent that can be employed, without weariness or disgust to the child. A love of learning can be infused at a very early period, and all that is then gained is clear gain, and brings its tribute of compound interest in after life.

The comparative advantages of a public and a private education, was formerly a much agitated question. There are some strong reasons alleged in favor of a private education, but it appears to me that those in favor of a public course greatly preponderate. The means and facilities of instruction will, of course, in a properly organized public institution, be more largely concentrated. The advantage of a wholesome emulation, (for the mind acts more powerfully under excitement and impulse,) the friendships formed by early association, and the experience and knowledge of mankind acquired even at that age, preparing for future life, must not be overlooked. It is true, there is no small hazard to be incurred to the morals and the sentiments, as many institutions are unfortunately now organised. And where a large collection of young men are congregated, during an age peculiarly exposed to temptation, the most critical and perilous period of human existence — when the passions are strong and the inexperience entire — and when the youth is excluded from all the wholesome restraints of the domestic roof; vicious example sometimes makes fearful havoc among the thoughtless and unstable. There are perils to be encountered (it must not be disguised) which

many a wreck of ruined youth has mournfully confirmed, as it floated by, mocking a father's hopes, blasting a mother's fondest anticipations, and withering her heart Still it is believed that, with a rigid, vigilant and paternal care and supervision, backed by the constant appliance of moral and religious truth, the College may be made the abode of purity and refinement, and the costly sacrifice of hecatombs of victims may be saved, whilst the great benefits of public education are enjoyed.

The safest and best mode of College organization to promote to the fullest extent all the objects of a thorough and proper education, is a subject of enquiry worthy of the thoughtful consideration of the philanthropist. There is much wild and visionary speculation afloat in our land, even among able men, as to having a few great institutions of learning; the practical error of which arises from want of accurate observation of the facts and circumstances of the case. If we were driven to the alternative of choosing between having the *many* well educated, or a *few* profoundly instructed at the expense of leaving the multitude in comparative ignorance, the necessities of our republican institutions would seem to demand the former as the least evil. The age at which our youth are found at public institutions, and the demands of our republican forms of government, call for the extensive diffusion of a liberal education that does not require a long series of years of study. We need facilities for liberal instruction spread within local distances easily accessible, and demanding but moderate expenses to complete the course, only guarding against such a multiplication as will distract and divide patronage beyond the means of collecting adequate libraries, apparatus, museums, and competent boards of instruction.

A late experiment has been made in a sister State, in advance of the condition of learning in our infant nation, of a large Central College. The patronage of the Legislature was lavished upon the project, and the sanction of great names invoked to its aid. A corps of learned professors was imported from abroad, unacquainted with the genius of our people, to deliver their profound lectures to an audience of youth not qualified to appreciate or understand their refined and labored speculations, for want of more thorough research. The movement was a total failure, the plan was entirely changed.

To this day, Eton College and Harrow of England, I will venture to say, are far more efficient sources of discipline and enlightenment than Oxford and Cambridge, so far as the undergraduate is concerned.

In the latter places, much that is valuable in mental discipline is unlearned, whilst extravagance, dissipation and indolence are the prominent *accomplishments* gained. There can be no substantial superstructure without a broad and solid foundation, and it is to this that the practical man will look in all projects relating to the great cause of education. Let our institutions advance with the progress of the nation, without attempting to press forward a hot bed growth. Supply and demand should go together. I would not be understood, far from it, as an advocate for lowering the standard of education; but on the contrary, for elevating it as fast as it can practically be done. But a large shadow is less desirable that a substantial, valuable reality, of half its dimensions.

That the State is bound for her own interest, as well as for that of the citizen individually, to patronise and promote the cause of liberal education, admits not of a question. That she must sustain institutions of her own, or that many will remain uneducated, is equally clear. But the practical question is, after all, embarrassed with difficulties; legislative control is a very uncertain patron of letters; party spirit is often very unclassical in its tastes; sectarian bigotry often interferes with the best interests of public education; State institutions belonging equally to all parties, political and religious—all feel fully authorized to interfere, and in the strife, every thing that is sound and solid suffers. What is the prospect, think you, for literary appropriations in a Legislature, where an honorable Senator is able to correspond with his absent family only by the aid of an amanuensis, and where that family must needs call in a neighbor to read the letter for them; and where an honorable member of the other House is heard to say, "When he was a child, one man was enough to teach a school, but now the times are so altered, they must set up half a dozen lazy fellows to teach the boys." But the serious obstacle is, the difficulty of the introduction of any definite, distinctive religious instruction. Where all are to be suited, none can be suited, and the pious parent must consent to leave the heart of his beloved child uninstructed. Lord BROUGHAM, after his splendid failure to advance education, has conceded, in his letter to the Bishop of London, that the Clergy must undertake the work. The Christian Church then must do far more, directly in the work of education; a work in which she has hitherto been criminally deficient. And the protection against a miserable spirit of *proselytism* must be found in a friendly rivalry, as to the patronage of letters, where those who

are the most liberal will find the largest support. Religion, mingling its restraints with enlightened mental instruction, is the safest disciplinarian. Inexperienced, enthusiastic, impassioned, thoughtless youth, exiled from the benign influence of the domestic circle in pursuit of education, from the sleepless vigilance of maternal affection, and from the wholesome restraints of the father's eye, requires the hallowed influences of religion to prevent the blessings of cultivated intellect from being purchased at the too dear sacrifice of prostrated morals and corrupted sentiments. Education, unaided by moral influences, is but the beautiful flower of a poisonous plant, more destructive as it is more attractive, spreading contagion all around, and filling the atmosphere with the principles of death.

Within a few years past, much has been said in favor of a system of manual labor in connection with mental instruction. The theory is a beautiful one; "*Mens sana in sano corpore*," is a good maxim. The idea of promoting health of body, together with practical industry and economy during a course of education, is pleasant to contemplate, and I am not surprised that this plan has found numerous advocates. But it is not every theory, however beautiful, that will endure the touch stone of experiment; experience is the test of truth. Out of a large number of institutions founded on this principle, in various parts of the country, some of them under circumstances highly favorable, not one, I believe I may say, has succeeded to the expectations of the projectors. The bodily system, that must be housed and relaxed a considerable portion of the day for study, cannot endure those alternations of heat and cold and storm, that must be encountered in any systematic plan of manual labor. The student requires some hours of relaxation from a regular routine of exercises, incompatible with the complicated and impracticable plan of combining regular study with labor. The occupations conflict too much with each other, to promote them both successfully.

The visionary theory must be abandoned, except as a charity for poor youth, who must forego the blessings of education, or labor to find means for a limited course. As a charitable institution, it deserves the consideration of benevolent men, who might in this way rescue many a poor and promising youth from ignorance. Here genius might be nursed, and raised from its lowly obscurity and made a blessing to the country—for true genius is a vigorous shoot, that needs only to catch a ray of light to enable it to burst its cerements, and push its way to an enviable superiority over more favored

plants; and in a State where we have *thirty thousand adults*, who cannot read, with so little to hope from legislation on the subject, it might be well for the friends of education in this way to advance the public weal. It might not be amiss, also, to restrict the sacred privilege of the elective franchise to those who can at least read their votes — for to make the vote of an entirely unlettered man equal to that of a WASHINGTON or a FRANKLIN, sometimes potent to turn the scale and to decide the destiny of a people, is to hazard all to ignorant tools of designing politicians, and to the weak and willing instruments of contemptible demagogues.

Allow me to invite your attention to the appropriate studies of a College course. Perhaps our Colleges and Universities have adopted in the main the most judicious selection of subjects, to occupy the youthful mind in its training, to discipline the faculties, and lay the foundation for future practical life.

In looking over the course of study in various liberal institutions, but little difference is to be found, except in the order in which studies are pursued. The defect of some consists in taxing the mind prematurely, before its powers are sufficiently developed, and in postponing certain departments that might be called into practical use before the leaving the College walls. Using terms in their most general sense, the departments of knowledge may be comprehended under three great divisions, viz: Physical Science, Mental and Moral Science, and Philological Science. Under the first, *Physical Science*, I would embrace Mathematics, Astronomy, Natural Philosophy, Natural History and Chemistry. The *second* explains itself. The third, *Philological Science*, includes the study of Languages and Belles-lettres. The value of mathematical studies for mental discipline, I believe, none deny; they tax the mind to close thought, severe application, and vigorous exercise of the judgment and the reasoning powers. This is eminently the case with the pure mathematics. As to the application of mixed mathematics to natural philosophy, it is indispensable to any tolerable knowledge of its principles; it is the only ladder by which we can climb up to the stars, or descend into the deep mysteries of the natural sciences; it is the language by which these sciences reveal their arcana to man. The value of mental and moral philosophy is equally admitted; it reveals to man the knowledge of the powers and faculties of his mind, and in its ethical rules, his duties as a social being and a moral agent. The claims of what I have denominated philological science,

are more controverted in this age of ultra utilitarianism, when money seems to be the great object of pursuit, and when Mammon seems to have set up his idol in almost every family—his altar in almost every heart.

In some old and respectable institutions of our country, the question has been gravely started, whether the studies of Latin and Greek ought not to be abandoned, or at least confined within a far more limited space. Against this opinion, I seriously protest, and boldly pronounce it one of the most *alarming literary heresies* of the age. Allow me to dwell for a moment on this subject. As a means of discipline for the mind, I am firmly persuaded that the study of languages, and especially of the ancient languages, calls into wholesome and harmonious exercise more of the intellectual powers than any other department of study; it exercises simultaneously the memory, the taste, the fancy, the judgment, and the powers of discrimination. The Greek and Latin are, in their structure, the most perfect languages in existence, and their writers have attained to the purest and most finished standards of uninspired composition. It is almost impossible to master the anomalous structure of modern languages, without that acquaintance with the principles of government that is to be gained alone from the ancient. To them we must resort for a proper and clear idea of the power and dependance of words. The ancient languages are the roots of the modern — the key to unlock the treasures of all the refined languages of this age. The nomenclature of the natural sciences, and the technical languages of the arts and learned professions, are borrowed from these sources. The inlets to the fountain of all historical information is found through the ancient languages. Without a knowledge of these, we must take our information on trust, and the authority of others. True, we have translations of many of their best works—but a good writer always suffers from translation. There is a power in language and style which discriminates the peculiar qualities of the mind, and which genius claims as its own. You may peruse the translation of an author, but it will be like culling a flower that has been dried on the stalk — the fragrance and the beautiful tints are gone — the unadorned substance alone remains.

I repeat it, the most finished of uninspired productions on earth are those of the Greeks and Latins; they have gone to the *ultima Thule* of refinement, the perfection of style. The works of literature and art of the Grecians and Romans challenge our admiration; they

ever have been, and probably ever will remain, the standards and models of perfection. The overweening arrogance of many superficial moderns, in talking of the improvements and advancement of the modern world, of its inventions, and discoveries, and progress in literature, compared with all former times, would be rebuked and humbled by a fair examination.

In the *Arts*—the ancient cement, the Tyrian die, their mode of embalming, their mechanical skill in elevating solid bodies of incredible weight, cannot now be equalled. An original portrait of SAPPHO was in existence in the time of the Emperor TRAJAN, seven hundred years after it was painted. Where is the artist now that can give such perpetuity to a painting? A few scores of years, and modern works are found stowed away in the attic with the worn out lumber.

I confess myself utterly at a loss to account for the profoundness and brilliancy of learning and of art in ancient Athens. The human mind must have been cast in a finer mould, and then all its powers kept on a stretch to have attained to their unapproachable superiority. Or they would seem to have been like a race of demigods, scorning the ordinary beaten track, and soaring into higher regions and on swifter pinions. It might have been partly owing to their games, exciting enthusiasm and a thirst for fame — partly to their climate and scenery, "their consecrated groves, their haunted streams, their flowery plains, their azure mountains,"— partly to the genius of the people, and their indomitable pains and study. But whatever be the cause, the fact is clear. To find the golden mines of literature, we must always repair to Greece and Rome, and especially to the former; for prostrate Athens, by the enchantment of her literature, conquered her haughty Roman conquerors, and gave laws to their minds — a noble triumph of letters over brute force. It was like the moral charms of woman, imparting strength to her weakness, subduing at her feet the superior physical power, and taming the rugged ferocity of the proud lords of creation. How ardently they labored, we may learn by reading the profound criticisms of their five great Belles-lettres writers — ARISTOTLE, CICERO, DIONYSIUS of Halicarnassus, LONGINUS, and QUINTILIAN.

Would you have an instance of the extent and the results of the labors of the ancients? A stranger in visiting ancient Athens, might have had his attention drawn to a group of thoughtless children, amusing themselves in the street; his special notice is attracted to

one youth more unpromising than the rest — a lisping, stammering, short-breathed boy — in every motion hideously, almost spasmodically contracting his muscles, and with a constitutional infirmity amounting almost to deformity. The stranger departs, with sympathy for the poor youth, who, if he lives, will afford sport and ridicule to his neighbors, and never be heard of, or remembered, but as a *lusus naturæ*. At an interval of thirty years, that stranger revisits Athens. The city is all in tumult; the anxious, agitated crowd are assembled, hanging spell-bound upon the lips of the Grecian Orator, as he scathes by the lightnings, and stupifies by the thunders of his eloquence, the partisans of PHILIP. That speaker, whose spirit-moving strains and whose soul of fire kindles every heart into a consuming flame, is the same ignoble youth who was never to have been heard of without pity, but whose name is now, in the ends of the earth, familiar as a household word — incorporated into every language as a synonyme for eloquence, and whose fame is engraven in letters of adamant on the register of immortality.

How shall we account for this mental phenomenon? The problem is solved in the language of the classic poet: "*Improbus labor omnia vincit*" — or by the higher authority of Heaven's inspired record: "Seest thou a man diligent in business? he shall stand before kings; he shall not stand before mean men."

In *Poetry*—to pass by HOMER and HESIOD—where else can you find the deep breathing pathos of SAPPHO, the graceful ease of ANACREON, the burning sublimity of PINDAR, the gentle sweetness of THEOCRITUS, the glowing fervour of ÆSCHYLUS, the impassioned grandeur of SOPHOCLES and EURIPIDES, the melting tenderness of MENANDER, of whom one beautifully says: "The lyre he touched, was formed of the strings of the human heart?" To these questions I unhesitatingly reply, that beyond the limits of the Sacred Scriptures, you will nowhere find these qualities, in all the annals of uninspired literature.

In *Philosophy*—visit in imagination ancient Athens, go to the Academy of Plato, and then to the Lyceum of Aristotle, and then to the Portico of Zeno, and then wander along the banks of the Ilyssus, and see those groves crowded with philosophers and their thousands of disciples, and listen to their sage precepts. Who would not labor to acquire an intimate knowledge of that refined language, which was the medium of communication and the vehicle of thought to these giant minds. It is not surprising that CATO

should have been converted from his hostility to every thing Greek, and have applied himself, in his old age, to the study of a language so rich in lessons of wisdom and virtue.

In the *Fine Arts* — in *sculpture*, the inimitable PHIDIAS has left all modern artists at an unapproachable distance behind; he breathed his very soul into the inanimate material. With a mind heaving with deep emotion, and big with lofty conceptions, and thoughts all on fire, he seized the chisel, and, as if by the touch of a magician's wand, the cold marble became instinct with impassioned life, and glowed with inspiration. The Elgin monuments in England contain specimens of the skill of PHIDIAS that cannot be equalled. MICHAEL ANGELO, the wonder of the fifteenth century, and the glory of Italy, of modern artists, has approached nearest to PHIDIAS, but though intoxicated to madness with the love of his enchanting art, his productions are unnatural in the comparison.

In *Architecture*—the stately Doric, the chaste Ionic, the luxuriant and gorgeous Corinthian orders of Greece, are now the admiration of the world, and will doubtless ever stand confessed the model and perfection of the art.

In *Painting*—the productions of ZEUXIS and APELLES, judging from the accounts of their intoxicating and more than oratorical influence on the crowds they drew around them, must have been finished specimens of absolute perfection. The *Helen* of the former was the wonder of the age. To finish the picture, ZEUXIS procured six of the most beautiful maidens from Crotona to sit for the face, from a combination of whose beauties he sought to embody ideal perfection. One of them, from diffidence, was unwilling to unveil her face before him. When the multitude crowded around to gaze upon the picture, and the enthusiastic shouts of admiration rent the air, the painter himself was the only dissatisfied spectator; his exclamation was, "*Oh, for the blush of the sixth maiden!*" Such was his exquisite sense of the ludicrous, that he fell a victim to the power of his own pencil; he died in a convulsion of laughter at the sight of the picture of a grotesque old woman he had painted. You are all familiar with the incident of the painted grapes of APELLES. When the birds alighted on the picture to peck the fruit, the painter was mortified that the boy bearing the basket of fruit was not *striking* enough to frighten the birds away. He exposed his pictures to the public, and invited general criticism, that all their faults might be corrected. An humble cobbler ventured to criticise a foot, which the

painter altered at his suggestion; when the mechanic, by this piece of deference, was emboldened to make other criticisms, the painter gave a reply which is said to be the origin of the Latin proverb: "*Ne sutor ultra crepidam.*"

I have adverted to these improvements in the arts of the ancients to shew that, if we are to repair to them at this day as models in the fine arts, we should exhibit no less deference to their *language* and *style*, in which they labored with equal industry and success, and which are far more important subjects for attention. Indeed, it admits of a serious question, whether without a constant familiarity with these unchanging standards, any modern language would not rapidly decline into *provincialisms, vulgarisms and barbarisms.* Few men in modern days have been found to excel as eloquent writers or speakers who have not been classical scholars. SHAKSPEARE, BURNS, FRANKLIN, and PATRICK HENRY have been adduced as examples to show what men could accomplish without a knowledge of ancient languages; but they are only *exceptions*, to make the very best of the objection. As to SHAKSPEARE, it would appear that he had some knowledge of Greek, as he exhibits a familiarity with portions of Grecian literature, that seem never to have been translated in his day; and the superiority of the others might, and doubtless would have been much greater, had they been aided by classical learning.

The value of classical literature is greatly enhanced, from the consideration that we must repair to Greece and Rome, as to the fountains and depositories of a vast proportion of the knowledge we gain of *ancient history.* In searching for the annals of history, and the sources of knowledge on this subject, we are met by the painful fact, that many of the most interesting productions have been obliterated by the waste of time. Indeed, as all early written documents could be preserved only in the fugitive form of manuscript, it is wonderful that so much has escaped the casualties that were encountered, and has been transmitted to so late an age. Fire, and sword, and superstition, and the devastating hand of ages, and the ignorance of men, have made fearful inroads and ravages upon the productions of mind; they have obliterated much, and given us only a glimpse of more, just serving to awaken a curiosity which can never be fully satisfied. Like the leaves of the Sybil, their value is the more enhanced, in porportion as their number is diminished.

The investigation of the history of early manuscripts is full of painful interest. The writings of ARISTOTLE were found with the grand-

son of one of his disciples, and purchased by a Roman, and deposited in a mutilated form in a Roman library, in the best days of the Republic. They came well nigh being finally lost amidst the lumber of manuscripts in a later day in modern Italy, and were only accidentally saved and brought to light. The whole of the writings of LIVY, and also those of VARRO, appear to have been in existence in the days of PETRARCH, and were seen by him. Now, after ransacking the whole world, only thirty-five of the one hundred and forty books of LIVY are to be found; and as to VARRO—the "walking library," and contemporary of CICERO—who wrote five hundred volumes and seven hundred lives of distinguished Romans, and from whom PLINY borrowed largely in the compilation of his profound Natural History—scarcely a fragment of VARRO is now to be found. CICERO—the orator, statesman, philosopher, and scholar—probably the most accomplished man upon whom the sun ever shone, gained his wonderful stores of knowledge by devoting his days and nights to VARRO's admirable library of manuscripts gathered from Greece.

Some of the early historians, whose writings would have poured a flood of light on the dark annals of antiquity, have entirely disappeared, except so far as a few fragments have been incorporated into the works of others. SANCHONIATHO, the Phœnician, who wrote a history of his country, is lost—a work of which, PORPHYRY gives us just enough to enable us to realize the loss the world has sustained. MANETHO, the Egyptian, is not to be found, and the light which is lost to the world by the disappearance of his history of Egypt, is poorly compensated by what JOSEPHUS and EUSEBIUS have gleaned from his pages. BEROSUS, the Babylonian, and great historian of Chaldea, is represented to the world only by a few meagre fragments, which JOSEPHUS has rescued from his works. The mysterious splendors of the HETRUSCI, a wonderful people of ancient Italy, the remains of whose refinement are now to be found only in some English Cabinets and the Museum of the Vatican, and whose curious relics amaze the antiquarian, must now remain forever a wonder to the world. The stately monuments of Egyptian Thebes, with her hundred gates—that classic land "where MOSES meditated, and PLATO wandered, and EUCLID composed his elements"—must ever remain a sealed book; her monumental ruins lie scattered upon the earth like a prostrate forest, and the voice of her unexplored and inexplicable antiquities rolls solemnly over us like thunder tones, demonstrating the impotence of man to rescue his works from oblivion and ruin.

For the most authentic records of antiquity, next to the Sacred Scriptures, we are mainly indebted to HERODOTUS, THUCYDIDES, XENOPHON, and PLUTARCH. HERODOTUS, after travelling to an incredible extent, and the most laborious and pains-taking research, wrote the history of the Lydians, Ionians, Lycians, Egyptians, Persians, Greeks and Macedonians. "His style is gay and splendid, free and flowing;" his accuracy and fidelity are not questioned, and the correctness of his geographical delineations is receiving constant confirmation from modern discoveries. THUCYDIDES is the great historian of the Peloponnesian war, and carries back his history to the close of that of HERODOTUS. "He is grave, intelligent, judicious and exact;" his energy and brevity sometimes render his style harsh and obscure. He was stimulated to an ambition for historical fame, and excited even to weeping, when a youth of fifteen, by hearing HERODOTUS recite his histories to enraptured crowds at the Olympic games. Of PLUTARCH, that prince of biographers, who throws an immense flood of light on contemporaneous history, a profound critic and classical scholar has said, if every work of ancient profane history was doomed to destruction but one, and he had his choice of selection, that one should be PLUTARCH's Lives. Of XENOPHON, I need not speak, whose smooth and mellifluous periods have made him every where a favorite author.

The other historians, who treat of these early times, are DIOGENES, LAERTIUS, OROSIUS, ARRIAN, DIODORUS SICULUS, CORNELIUS NEPOS, and JUSTIN.

The ancient historic Muse called to the aid of the Roman Empire a splendid galaxy of talent, learning and research, to portray her glories and to transmit her fame to posterity. The principal early historians to whom the moderns are indebted for their data on the subject of Rome, are (besides some of those already mentioned,) DIONYSIUS of Halicarnassus, POLYBIUS, SALLUST, CÆSAR, SUETONIUS, TACITUS, and DION CASSIUS. To complete very nearly the list of ancient historians of any repute, I have only to add the names of APPIAN, QUINTUS CURTIUS, and VELLEIUS PATERCULUS.

It is fortunate for history, that whilst a large proportion of every one of the most distinguished of these authors is lost, a sufficient portion of each one is retained to cover almost every point of Roman history, and to illustrate it to a considerable degree of satisfaction.

DIONYSIUS, in the age of AUGUSTUS, spent twenty-four years in Rome, searching all the Greek and Latin authors to prepare a history

of Rome, which appeared in twenty-four books, called Roman Antiquities, only eleven of which are extant containing the history of the Kings. DIODORUS SICULUS, of the same age, spent thirty years in compiling a historical Library—fifteen of the forty books of which are all that are now to be found. POLYBIUS wrote a general history in forty books, five of which remain, besides a meagre epitome of the rest, compiled in the tenth century. He was carried a hostage to Rome, and being detained there for seventeen years, had a fine opportunity to lay in those wonderful stores of knowledge which are so remarkable in what remains of his writings. LIVY is supposed to have copied and incorporated into his Latin History whole books *verbatim* from the original Greek of POLYBIUS — and it is not to his credit that, after his plagiarisms, he simply speaks of the author as "*haudquaquam auctor spernendus.*" BRUTUS, the murderer of CÆSAR, is said often to have retired from the field of battle to his tent, to be absorbed in the pages of POLYBIUS describing his ancestors. Still, LIVY is a beautiful writer, abounding in elegant narrative and useful reflections. POLYBIUS and TACITUS, are perhaps the most remarkable of ancient historians for profoundness and intimate knowledge of human nature. The last of the ancient historians, and the most elegant in style of his age, was DION CASSIUS, who died A. D. 230; he spent ten years in collecting materials, and twelve years in preparing his eighty books, twenty only of which remain in a mutilated form, besides a meagre epitome compiled by XIPHILUS during the dark ages.

It was from the ancients that mediæval Italy, with her poets, historians, painters and scholars, borrowed her literature — Italy! that bright land which caught the expiring rays of science, and reflected them over Europe, lighting up a flood of glory when darkness had long brooded over the face of the deep.

Such is a glance at the treasures of Greece and Rome. Their works embody ages of thought and research, conveyed in the most perfect dialects ever spoken, and clothed in a style of elegance and beauty that human pen has never equalled. If parents had only a more correct conception of these ancient store-houses of wisdom, and these treasuries of mental discipline, more seldom would the message be conveyed to teachers: "I want my son to be made a mathematician, chemist, natural philosopher; but as to the useless lumber of Greek and Latin, I care not to have his time wasted upon it."

I had wished, on this occasion, to advert to some other topics, but the time already occupied admonishes me to close. I will only add that there is an alarming process of corruption going on in this country, in the adulteration of the English language, which demands a serious note of warning and rebuke. The innovations upon our mother-tongue are such, that if not speedily arrested, we shall soon require a glossary to enable us to appreciate the eloquent strains, drawn from the well of English undefiled, in which MILTON and SHAKSPEARE, and DRYDEN and POPE, have sung, and ADDISON and MACAULEY, have so beautifully discoursed. At the hazard of the charge of rashness from certain quarters, I will venture to say that NOAH WEBSTER, in canonizing hundreds of provincialisms and barbarisms, by inserting them in his *American Dictionary*, has committed an outrage on the Saxon tongue — and the most alarming feature of the case is, that distinguished patrons of letters in the Northern Colleges have lent the sanction of their names to his unauthorized production. If it is not beneath the dignity of the occasion to specify a few of the strange words that are beginning to straggle and obtrude their unlawful forms, even into judicial decisions and grave senatorial debates, I would say, that the barbarous words, *lengthy* for lengthened, *jeopardize* for jeopard, *talented* for almost any thing, *illy*, as an adverb, for ill, *progress*, as a verb, for advance, &c., should be scouted from the circles of the refined. I trust a barrier will be raised, in the South at least, against these lawless corruptions, and that, by the common consent of our scholars, these and similar unauthorized and unwarrantable terms will never be permitted to cross MASON and DIXON'S Line, to poison and corrupt our mother tongue.

But I must close, and in doing so, I owe an apology to this Society for whatever of inappropriateness this address contains, as there is no other general association of liberal and enlightened men in the State, to whose protection to commend these important topics. May the Historical Society long live and flourish, to enlighten the sons of Georgia as to the past, and to reflect the hallowed light of that past on their future pathway to the fame and renown which the great and generous OGLETHORPE so fondly anticipated for the Colony. May it prove, under a benignant Providence, a pillar of cloud in the day of prosperity to shade and to guide—a pillar of fire in the night season of depression and gloom, to illuminate and cheer.

THE PROPOSED ALTERATION

OF

"THE JUDICIAL TENURE,"

IN

SOUTH CAROLINA.

DISCUSSED BY

"THE BLACK SLUGGARD."

HAMBURG:

PRINTED AT THE REPUBLICAN OFFICE.

1844.

To the glorious minority of 28, the following Essays, (originally published in the *Charleston Courier* during the last summer, and kindly called for in a more enduring form,) are respectfully dedicated, with this parting advice: ☞ If you fail to save the Judiciary, then prepare to defend the Senate!

[Vetus Carmen.]

Vetus Lignum Cremari—
Vetus Liber vesari—
Vetus Vinum gastari—
Vetus Amicus amari—
Vetus Culpa emendari—
Vetus Homo honorari—
Vetus Signum observari—
Vetus Nummus reservari—
Vetus Lex dominari—
Vetus Judex opinari—
Vetus Billa ignorari—
Vetus Tempus revocari—
Vetus Hostis condonari—et
Vetus Fides cœlo dari!

[Old Song.]

Old Wood to be burnt—
Old Books to be learnt—
Old Wine to be gusted—
Old Friends to be trusted—
Old Faults to be corrected—
Old Folks to be respected—
Old Signs to be observed—
Old Coin to be preserved—
Old Laws to rule us—
Old Judges to school us—
Old Bill to be ignored—
Old times to be restored—
Old Foes to be forgiven—and
Old Faith to come from Heaven!

THE JUDICIAL TENURE.

No. I.

"SIRS, BY YOUR LEAVE, A WORD BEFORE YOU STRIKE."

IN England, whence we have borrowed as much as we could, the Judicial Tenure seems to have undergone few changes and those evidently for the better. In the days of Alfred, 880, not only was the Judge tenant at will, but he was sometimes transferred from the bench to the gallows in a very summary way—*exempli gratia* the forty-four whom the "glorious Saxon" resolved should cease to live, not only as Judges, but as men. After the experience of 800 years Judges became more trust-worthy or Judge makers less suspicious; and in order to maintain both the dignity and independence of the Judges in the Superior Courts, it was enacted by the Stat. 13, W. 3, C. 2, 1701, that their commissions should be made (not as formerly, *durante bene placito*, but) *quandiu se bene gesserint* and their salaries ascertained and established; but that it might be lawful to remove them on the address of both houses of parliament. And by the noble improvements of that law in the Statute 1 G. 3 c. 23, 1761, enacted at the earnest recommendation of King George III. himself from the throne, the Judges were continued in their offices during good behaviour, notwithstanding any demise of the Crown, (which was formerly held immediately to vacate their seats); and their full salaries were absolutely secured to them during the continuance of their commissions, by which means the Judges were rendered completely independent of the King, his ministers, and his successors; his Majesty having been pleased to declare, that "he looked upon the independence and uprightness of the Judges as essential to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honor of the Crown." It may not be uninteresting to glance at the several attempts which have been made to *regulate* (I trust not after the Cleveland fashion) the Judiciary of South-Carolina. I pass by the first and second Charter—the Proprietary Government—the sacred and unalterable Constitution of JOHN LOCKE—the Royal Government, &c., (as connected with times when men were "excited with a laudable and pious zeal for the propogation of the Christian faith, and the enlargement of his Majesty's dominions," and the subject of voluntary taxation) —with the single remark that the good behaviour principle seems to have been very acceptable. And, I will not venture to touch on the various amendments which have been offered from time to time, by those who seem to have thought that the Judiciary was a fit and proper subject on which the youthful legislator was alike *authorized* and *bound* to try "the amending hand." The changes of tenure, or rather the *attempts* to change the tenure will furnish sufficient materials for the present.

In the Constitution of 1776, (1st Statutes 128), which yet can scarcely be considered a Constitution, since, tho' framed by delegates immediately from the people, it could be altered or rejected by an Act of ordinary Legislation, it was provided—Section XX, p. 133—that all other Judicial officers (except Justices of Peace) shall be chosen by ballot, jointly, by the General Assembly and Legislative Council; and except the Judges of the Court of Chancery, commissioned by the President and Commander-in-Chief, during good behaviour, but shall be removed on address of the General Assembly and Legislative Council. In the Constitution of 1778, (1st Statutes, p. 137,) which was an Act of Legislation, and was subject to be altered by a majority, after ninety days notice, the provision of '76 is repeated—(Section XXVII). In the Constitution of 1790, (1st Statutes, p. 184,) which was a real, true Constitution—a

system of Government reduced to writing—framed by special delegates directly from the people—and not to be altered or amended by an Act of ordinary Legislation—it was provided (Art. III, Sect. 1st Statutes, p. 189) that

"The judicial power shall be vested in such superior and inferior Courts of Law and Equity as the Legislature shall from time to time direct and establish. The Judges of each shall hold their commissions during good behaviour; and the Judges of superior Courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, or the United States, or any other power."

It was also provided by Art. V. p. 190, that all civil officers were liable to be impeached. [See 1st Dessure's Equity—preface, pages xii—xxii.]

Not to go further back than 20 years—in 1824, (if I remember correctly,) a bill was introduced to amend the Constitution so as to limit the Judicial Tenure to 65 or 70 years, but failed for want of a constitutional majority.

In 1827 the effort was renewed, and though the bill was passed by a bare majority, it was, after hot debate, sent to the Senate, who coolly resolved in general terms, that a bill *so passed in Senate* ought not to be sent to the House. (Exquisite rebuke to the youngsters.) In 1828 (1st Statutes, p. 196) the Constitution was amended as follows:—"If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent *bodily or mental infirmity*, his office may be declared to be vacant, by joint resolution agreed to by two thirds of the whole representation in each branch of the Legislature: provided, That such resolution shall contain the grounds for the proposed removal, and before it shall pass either house, a copy of it shall be served on the officer, and a hearing be allowed him." And it was hoped by the conservative party that innovation would stay her course. But she "doth mock the meat she feeds on."

In 1835 *that same old Bill* was introduced, and after various propositions, sixty-five years was put to vote—yeas 77, nays 28; whereupon, although the majority was nearly constitutional, the House, mindful of the paternal admonition in 1827, did not send the bill to the Senate. From the period last mentioned, this part of the Constitution was allowed to rest until 1839, when the assault was renewed more fiercely than ever, but more firmly and triumphantly than ever repelled—for the first and last time within recollection this amendment was rejected by a majority! Yet, with a perseverance and zeal worthy of a better cause, the enemy rallied in 1841 and succeeded in obtaining a vote of 72 to 28, which though not a constitutional majority, encouraged them to make another effort in 1843, when the following amendment passed in the House by a vote of 87 to 28 (the 28 remained firm) and in the Senate by a vote of 30 to 12. So their being constitutional majorities, the amendment has been published that the people may consider the matter in their sovereign capacity, and instruct their Representatives accordingly.

"*A Bill to alter and amend the first section of the third article of the Constitution.*

"Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, that the first section of the third article of the Constitution be altered and amended to read as follows:

"The judicial power shall be vested in such superior and inferior Courts of Law and Equity, as the Legislature shall from time to time direct and establish;" the judges of each hereafter to be elected shall hold their commissions during good behaviour until they have attained the age of sixty-five years, but no longer; and the Judges of the Superior Courts shall at stated times receive a compensation for their services which shall neither be increased nor diminished during their continuance in office; but they shall receive no fees nor perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power."

"In the Senate House, the nineteenth day of December, in the year of Our Lord one thousand eight hundred and forty-three. We certify that the above bill has been read during the present session three times in the House of Representatives, and three times in the Senate, and was agreed to by two-thirds of both branches of the whole representation.

"ANGUS PATTERSON, *Speaker of the House of Representatives.*
"W. F. COLCOCK, *President of the Senate.*"

It is supposed that the amendment will be consummated, for the simple reason that the people will not trouble themselves about the matter, and the new representatives will consider silence consent.

One, who has been waiting in vain for some more distinguished and valorous champion to come to the rescue, hopes he will be excused if he ventures to stand in the breach and strike a blow for the Constitution—though too weak to repel the foes, it may be that he can throw a bomb-shell into their ranks.

Having thus waked up the besiegers, who seem to be enjoying a Siesta, I will give them time to resume their arms, and then,

"As chief, who hears his warder call
'To arms!' the foemen storm the wall."

No. 2.

"THE EFFECT WAS TREMENDOUS—THE BASTION WAS RESTORED."

The proposed amendment is *unmeaning*, *nugatory*, *suicidal*, and *undesignedly mischievous*.

The words are—the Judges of each (Court,) hereafter to be elected, shall hold their commissions during good behaviour, until they have attained the age of sixty-five years, but no longer. With what curious felicity is not this expressed! The Judges, hereafter to be elected, *shall hold by the tenure of good behaviour, until sixty-five*, but no longer. By what tenure are they to hold *after* sixty-five? And what prevents a man over sixty-five from being eligible? The original clause fixed the tenure, and in amending it, the words "until," &c., have been inserted, so that the limitation of sixty-five *applies to the tenure of good behaviour*, and does not operate as a distinct, substantive disqualification. No doubt the meaning was this: The Judges shall hold their commissions during good behavior, provided, however, that no one shall hold a commission as Judge, after he shall have attained the age of sixty-five years. Look at it. No lawyer will (I think) say, *after it has been pointed out*, that the plain meaning of this clause is not that, up to the age of sixty-five years, the Judges are to hold, *by good behaviour*, and that it is perfectly compatible with holding after sixty-five years. Indeed, it positively declares that the poor Judges hereafter to be elected shall hold on until sixty-five years. I take it to be certain that not a word of this amendment can be altered at the second session any more than an act can be altered after it has been referred to the Engrossing Committee. Indeed, I recollect an instance in the English Parliament, as far back as 1600, (Townsend's Hist. Col., p. 209, Jefferson's Manuel, pages 137 and 179,) where it was determined unanimously, that after a bill was engrossed nobody should be allowed to look into it. But our Constitution is express. One Legislature makes the bill—the next receives or rejects it, *as it is*. The result then is, if this amendment be adopted a man over sixty-five years is still elligible to the bench, and the Judges after they attain sixty-five years will hold *bene placito*. Perhaps a resolution or quo warranto (*horresco referens*) might express the *blene placito* of the State against the Judge who should read the amendment as it is written—and perhaps not. But it does appear to me that for the sake of plain meaning—for the sake of grammar—the Legislature should reject an amendment, which, (however well the present generation may understand its object,) will not be regarded by posterity as a fair specimen of the genuine mother tongue! It would disfigure our Parliamentary records—it would be talked of by the Rev. SIDNEY SMITH and Captain HALL, and would be enough to *endorize* the venerable COKE, who declared most emphatically that the English language was as copious and significant, and as able to express any thing in as few and apt words as any other language that was

spoken at his day. Do not for a moment suppose that I mean any thing disrespectful to the intelligence or ability of those who drew or voted for this amendment. On the contrary, I am certain the mistake must have occurred just as other mistakes occur when a measure is proposed which it is understood will pass—just as the Virginia act directed a new Court House to be built out of the old, which was not to be pulled down until the new one was finished—just as in North Carolina, it was made an indictable offence to alter the mark of an unmarked hog—just as in England, one-half of seven years' transportation was allotted to the informer and the other half to the King—just as in the amendment of 19th December, 1810, it was *forgotten* to dispense with the requisition of a tax receipt, as contemplated in the fifth section, article 1st, of the State Constitution.

It may be that the absurdity I see in the phraseology of the amendment, is to be ascribed to the drowsiness which will sometimes overcome one who agrees with Sancho in the advantages of sleep. But there *was* an oversight committed in a more important matter than language. I flatter myself I have a thrust against which there is no parry! I do not mean the informality of the certificate which sets forth the titles of the presiding officers incorrectly. This mistake I regard as *totally unimportant*. I doubt if such a mistake would vitiate a *common act*. But constitutional amendments are not to be *ratified* at the first session. The certificate is intended for purposes of *identity* and *publication*, and it is sufficient for the new Legislature to be satisfied from the journals and the inspection of the original bill, that the amendment was duly read and published. I rely on an objection less easily obviated.

You mark that the original clause of the Constitution, (of which this is the amendment,) is the 1st section of art. III, adopted in 1790, (sec. 1st Statutes 191,) and reads thus: "The judicial power shall be vested in such superior and inferior Courts of Law and Equity as the Legislature shall from time to time direct and establish. The Judges *of each* shall hold their commissions during good behaviour, and the Judges of the superior Courts shall, at stated times, receive a compensation for their services, which shall neither be increased nor diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this State, or the United States, or any other power."

In former amendments (1839 for instance) the word *each* was substituted by the words "the superior Courts of Law and Equity." But the contemplated amendment—(evidently with a view to copy the original clause exactly, age excepted,) proposes to read thus: "The Judicial power shall be vested in such superior and inferior Courts of Law and Equity as the Legislature shall from time to time direct and establish. The Judges *of each*, hereafter to be elected, shall hold their commissions during good behaviour until they have attained the age of sixty-five years, but no longer; and the Judges of the superior Courts, &c.," which amendment will (if consummated) take effect in December, 1844, and become part and parcel of the Constitution! Therefore, under this amendment, (*which will be the latest, and which will of course repeal all prior clauses of the Constitution repugnant thereto*) the Judges hereafter to be elected of each inferior and superior Court of Law and Equity (*to wit, Ordinaries*) will hold their commissions *during good behaviour*. Now the oversight was simply this: It was forgotten that the original clause of 1790 had been amended in a very important feature by the amendment of 1828, (1st Statutes p. 196, section 4th,) which declares, "All civil officers, whose authority is limited to a single election district, a single judicial district, or part of either, shall be appointed, hold their office, be removed from office, and in addition to liability to impeachment, may be punished for official misconduct, in such manner as the Legislature previous to their appointment, may provide," and which was expressly intended to make all Judges of inferior courts (of a single judicial district, Ordinaries for instance) hold not during good behaviour, but as the Legislature may provide.

Then if this amendment be adopted, it will repeal the amendment of 1828, and all Judges of inferior courts, hereafter to be elected, will hold by good behaviour until sixty-five years of age. Will any member of the next Legislature consent to alter the Tenure of Inferior Judges in order to prevent a Superior Judge from attaining sixty-five?—most assuredly not! So confident do I feel at this stage of the combat, that I fearlessly let down the draw-bridge and take the open plain against all comers! Can there be a doubt as to the irresistible potency of this Legal Torpedo? If you are not with me shoulder to shoulder, will you not give a *silent plaudit* when you witness the beauty of the explosion! You know that in the State, ex relatione HAYS vs. HARLEY (1st Mills Rep. 267 in 1817) and in other cases, it was decided that an Ordinary was a Judge under the Constitution, (1790,) and therefore held for good behaviour, and therefore all Acts limiting the tenure were void. You know that in order to reach the case, the amendment of 1828 was adopted, and that in the State ex RELATIONE vs. HUNTER (1st Cheves Rep. 288 in 1840), it was decided that the amendment of 1828 did affect the clause of 1790, (though not naming it) and that an Ordinary no longer held by good behaviour but under Acts of the Legislature. And you see that this amendment of 1844 will, in turn, affect the amendment of 1828, (though not naming it) and thus restore Ordinaries statu quo (age excepted). In vain will it be said that the amendment of 1844 will be consistent with the amendment of 1828. An amendment to cover the whole ground should have been drawn to this effect: That the Judges of each should hold by good behaviour, &c., provided, however, that all civil officers, whose authority is limited to a single Judicial District, &c., shall hold as the Legislature shall direct. There is a wide difference between prior and subsequent Laws relating *to the same subject matter*, and prior and subsequent Laws *fixing a single point*. Thus, in 1790, the Constitution declared that all Inferior Judges, excepting Justices of the Peace, who were provided for in another clause, should hold by good behaviour. In 1828 the Constitution declared that a certain class of Inferior Judges should be excepted and should hold under the Legislature. In 1844, the Constitution will declare that all Inferior Judges shall hold by good behaviour. An Act (say in 1820) declares that all inferior Judges shall be paid in fees. An Act of 1830 declares that Ordinaries shall be paid in salaries. An Act of 1840 declares that all Inferior Judges shall be paid in fees, to the amount of one thousand dollars, but not more. Could there be a question whether the Act of 1830 was repealed? Will it be said that up to *sixty-five years* the Ordinary is to hold by the tenure of good behaviour, and *after* sixty-five *as* the Legislature shall direct? This would indeed square with my notion that the limitation of sixty-five years applies *to good behaviour;* but it would be difficult to say why the Superior Judges should not be allowed the benefit *of that construction*. Will it be said that it was intended to repeal the amendment of 1828. Then it is a question of expediency, and I do not believe that the Legislature would ever knowingly repeal that amendment. But it was not intended. *This was an oversight.* Yes! and there was another oversight—to which the attention of the advocates of this amendment is most *earnestly requested*.

Magistrates (formerly—until 1839—called Justices of the Peace and of the Quorum,) hold their offices under the present state of things as the Legislature by act have directed or may hereafter direct: because although the Constitution, Art. III Sec. 1, declared that the Judges of both Superior and Inferior Courts should hold their commissions during good behaviour, (and Justices are Judges of Inferior Courts—2d Nott and M'C—d., 168, 3d M'C—d 106, Cheves p. 7.) Yet the same Constitution, Art. VI. Sec. 2, provided that all officers other than as specified, (and Justices are not,) should be appointed as hitherto: Art. VII provided that all laws of force at the passing of the Constitution should so continue until altered or repealed by the Legislature; and by the 7th provision it was *ordained*, that the Legislature should, at their next meet-

ing, elect Justices of the Peace, and that in future all commissions of the peace should expire at fixed periods, to be declared by law. All which articles and provisions *being adopted simultaneously*, were construed harmoniously together. So that Justices of the Peace, though Judges of the Inferior Court, did not participate in the benefits of the good behaviour principle; and if the Constitution of 1790 had been construed otherwise, the 4th section of the amendment of 1828, would be conclusive as to *their* tenure. But if the present amendment succeed, being the latest, it will of course repeal all prior clauses of the Constitution repugnant thereto; and all Judges of each Superior and Inferior Courts of Law and Equity—*all Magistrates* for instance—hereafter to be elected, shall hold their commission during good behaviour, &c. Thus our friend Mr. Shallow, who has hitherto been content with the titles of Armigero, Justice of the Peace and *Coran*, custalorum and retaloram, will, to the astonishment of his friends and the public, and himself, find thurst upon him the additional honor of being "Judge for sixty-five years at least."

Let not the reader suppose that the jocoseness with which my argument is put forth, is any thing more than oil to the razor. Let him examine the argument seriously, closely, *searchingly;* and I feel confident he will see that this amendment will and must repeal (so far as Judges of Inferior Courts, hereafter to be elected, are concerned,) the fourth section of the amendment of 1828, and every other clause and section fixing the tenure of Inferior Judges—just as the amendments of 1808 (Representation), of 1810 (Elective Franchise), of 1816 (Sittings of Court), of 1820 (Pendleton District), of 1828 (Impeachment and Official Tenure), of 1834 (Oath of Office), as soon as adopted became a paramount law of the land, as being the latest emanations of the will of the people. Even if doubts could be entertained, as to the effect of this amendment on other parts of the Constitution, would not prudence suggest rather to leave the Constitution as it is, than to adopt a measure, one of the first and least consequences of which will certainly be, to bring that Constitution, (after it has been hacked and mangled) before that very Judiciary, against the supposed dotage and imbecility of which the amendment itself is directed. And if that Judiciary can extricate themselves and the Constitution from the "Serbonian bog," they will be more fortunate than one of their admirers.

Be that as it may, I rely on the plain and palpable fact, that in framing this amendment, other important portions of the Constitution have been entirely overlooked, and that for this there is no remedy, unless it be a fresh start at amending in 1845. Meanwhile, least my flank should be turned, I will retire to "Castle Dangerous," and (if need be) prepare another bomb-shell, or something worse.

No. III.

Mr. Speaker, (said a quiet voice on the right,) I *demand the yeas and nays.* The Speaker informed the gentleman, that *part* of the yeas and nays *could not be found.*

The proposed amendment, if not unmeaning and suicidal, and if not repealing (undesignedly) the amendment of 1828, was not passed *constitutionally* at the last session, and therefore cannot be consummated at the next. By the Constitution, 1st art., 11th sec., (1 Statutes, p. 187,) a majority of each House is a quorum to do business. By art. 1, sec. 16, (1 Statutes, p. 187,) no bill or ordinance can have the force of law, until it shall have been read three times, and on three several days, in each House. By art. XI, (1 Statutes, p. 192,) "no convention of the people shall be called unless by the concurrence of two-thirds of both branches of the whole representation. No part of this Constitution shall be altered, unless a bill to alter the same shall have been *read three times*, (prima vice, secunda vice, tertia vice,) in the House of Rep-

resentatives, and three times in the Senate, *and agreed to by two-thirds* of both branches of the whole representation. Neither shall any alteration take place, until the bill *so agreed to*, be published three months previous to a new election for members of the House of Representatives; and if the alteration proposed by the Legislature shall be agreed to, in the first session, by two-thirds of the whole representation in both branches of the Legislature, *after* the same shall have been read three times, on three several days, in each House, then, and not otherwise, the same shall become a part of the Constitution"

By the amendment of 1808, as to representation, (1 Statutes, p. 195,) "none of these amendments becoming part of the Constitution of this State, shall be altered, unless a bill to alter the same shall have been read *on three several days* in the House of Representatives, and on three several days in the Senate, and *agreed to at the Second and third reading*, by two-thirds of the whole representation in each branch of the Legislature; neither shall any alteration take place, until the bill so agreed to, shall be published three months previous to a new election for members to the House of Representatives; and if the alteration proposed by the Legislature shall be agreed to, at their first session, by two-thirds of the whole representation in each branch of the Legislature, *after* the same shall have been read on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution." By reference to the journals of the last session, (of the House, p. 42, 69, 98—of the Senate, p. 48, 58, 67,) it will be seen that this amendment received a vote of two-thirds on the second and third reading, in each branch—but on the first reading in each House, it received a bare majority. That is, the journal states simply that the bill was "read the first time," "received a first reading," and I have always understood the rule to be, that though in general you cannot look behind legislative proceedings, and in particular, that a quorum is always presumed to be present, unless the question was made at the time—yet where the Constitution requires two-thirds, *the vote must be taken by yeas and nays, and recorded*—because it is not an act of ordinary legislation, but is an exercise of extraordinary power, in relation to which the Judiciary decide between the people and their agents, who are not witnesses in their own behalf. In the present instance, the President and Speaker do indeed certify in the publication that the bill was read three times, and was agreed to by two-thirds, but the journals show the facts.

The rules—the uniform practice of the Legislature against themselves—the requisitions of the Constitution—good faith—and legal authority, all concur in the position, that in all such cases, (where two-thirds are required,) the vote of both houses should be determined by yeas and nays, and the names of the persons voting for and against the bill should be entered on the Journals, (1 Kent, p. 239;) and that in the absense of such record, it is to be taken for granted that only a majority voted for the measure. This I think will not be denied; and the precise question is, whether a constitutional amendment, not relating to representation, can be valid, unless at the first session it received a vote of two-thirds, on each of the three readings? I modestly, but with considerable confidence, contend that such an amendment is not valid; and will offer my reasons: I freely admit that the practice of the Legislature has been uniformly (though not consistently) the other way. I cannot find any instance of their treating a constitutional stranger so uncourteously, as to demand the yeas and nays on his first introduction. But the question was never made—it is time to abolish a bad practice, and I deny that Legislative practice can modify a plain, though very useful clause in the Constitution, which was intended to be and is a restriction on Legislative power. I find nothing in the rules of the Senate on this point, except rule 21, (Journal of 1840, p. 8,) which directs, that in all cases not embraced, usage and the manual of Parliamentary practice shall govern. In the House, the rule XLVI prescribes that the first reading of a bill shall be for information—no amendment shall be in order; if

opposition be then made to the bill, the question shall be, "shall this bill be rejected;" if no opposition be made, or if the question to reject shall be lost, the bill shall be ordered for a second reading without a question. I respectfully submit that this rule clearly shows the danger of permitting Legislative practice on common bills to alter the Constitution, the object of which was to prevent unguarded legislation on constitutional amendments—*as to which the Constitution is the rule of the House.* Surely on constitutional bills two-thirds of the whole House is as essential, as on common bills a majority of a quorum; and each reading of a constitutional bill is as important as each reading of a common bill. Reading, means reading with the assent of the proper majority. Must not a common bill receive a majority (express or implied) on each reading? Must not a constitutional bill on each reading receive a constitutional majority, not implied or gulped at, but ascertained?

The Constitution says "such amendments shall be read three times and agreed to by two-thirds of both branches." Does this mean that the "three readings" are pro forma, and that though two-thirds are requisite to agree to them at the last reading, a bare majority is sufficient for the first and second? The Legislature said that the first reading of a bill is only for information, but the Constitution has said that the first reading of a constitutional bill is as important as the second or third.

The amendment to the Constitution in 1808, says, that at the first session amendments relating to the representation shall be read three times, on three several days, and agreed to at the second and third reading by two-thirds; and at the second session, it says two-thirds, without specifying first, second, and third reading; whence it may be argued that, as to other amendments, the two-thirds are required only at the third reading, and therefore as to representative amendments, second and third readings were expressed, in order to make the rule more stringent. On the contrary, I say the original Constitution required two-thirds at each reading, and therefore in the amendment of 1808, second and third were expressed. If "agreed to" means on its final reading, why take a vote on any other reading? Why not let a minority read twice? Why on the final reading any more than the first or second? Why not read pro forma three times, and on some other day vote? But the Constitution says read three times, and agreed to by two-thirds. Yes! It is to be read three times—that is one thing—and it is to be agreed to by two-thirds—that is another—each reading is as necessary to perfect the bill as each link is to perfect a chain. If you say reading is enough, and has no relation to the majority, then why require a majority on common bills, at each reading? I admit that this may seem a technical objection, also that two-thirds of the Legislature did, on the second and third reading, vote for this amendment, which is therefore entitled to the full weight of an opinion so expressed as to its merits. And in fairness, I will present such information as *I* have found *for* and *against:* In the United States Senate, (Manuel, p. 97,) Rule 43: "When an amendment, to be proposed to the Constitution, is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question." This may be correct, and it may be that on the first and second reading of a constitutional bill a majority might decide a preliminary question, yet even conceding that a bare majority might amend a constitutional bill, we know that after an amendment is adopted the question is put *on the bill as amended,* to decide whether the bill shall be read; and on constitutional bills it seems to me two-thirds must agree on each reading—which is not reading a bill, but looking into it, considering it, &c., and when got through with, the vote is taken, and it is ordered to *have another reading,* i. e. to make another step towards being completed. Reading is borrowed from the English House of Commons, where after each reading the Speaker opens to the House the substance of the bill, and puts the question whether it shall

proceed any further. Besides, the Constitution of the United States does not require three distinct readings of a proposition to amend the Constitution, (Art. V,) and does not require *a Bill*. Again, in the rules of the House, p. 39, (Wardlaw's Manuel,) I see—

"Resolutions of the Senate, 1827, p. 68.

"*In the Senate, Dec.* 12, 1827.

"*Resolved*, That a Bill to alter the Constitution, *on a second reading*, not having a majority of two-thirds of the whole Senate, *is lost*, and ought not to be sent to the House of Representatives."

About the same time, on a bill to alter the Constitution, in relation to the tenure of office by a Judge, a contrary decision was made by the House of Representatives, but not reduced to a formal resolution, which has been preserved. In 1831, the House of Representatives, on a bill to divide Pendleton into two Election Districts, decided that a less number than two-thirds of the whole Representation agreeing to the bill, at its second reading, could not send it to the Senate; but remarks were made concerning the difference in phraseology, which exists between the article of the original Constitution, concerning amendments, and the section of the amendment of 1808 concerning any alteration to be proposed of them. And in 1842, (Resolutions, p. 108,) the following resolution was adopted by both Houses:

"*Resolved*, That in the opinion of the Legislature, every bill to amend the Constitution, as well as to amend the amendments of the Constitution, should receive a vote of two-thirds of the whole representation, *upon its second reading* in that branch of the Legislature in which it shall have been considered; otherwise, it shall not be sent to the other branch."

Several comments can be made on these resolutions. I have understood that the resolution of the Senate in 1827, was in fact intended for the bill on judicial tenure, which the House had at that very session sent to the Senate, though passed by a simple majority at the second reading. It is certain that the resolution of the Senate did not relate to a representative amendment, because none such passed the House in 1827. Then we have the broad distinct declaration of the Senate, that a bill to amend the Constitution, not as to representation, must have two-thirds on the second reading or it is lost. So too, we find the House deciding that less that two-thirds on the second reading could not send the Pendleton election bill to the Senate, and it was intimated that this was done because the Constitution as to representative amendments (as this bill was,) expressly says "second reading." But from that fact, I deduce an inference directly the reverse, viz:—that on all other constitutional amendments all three readings are contemplated. The third reading is also expressly mentioned in the clause as to representative amendments. Are we therefore to conclude that the third reading is not contemplated in the clause as to other amendments? Again—the joint resolution of 1842 assumes that two-thirds are required in the third reading only, and therefore directs (for reasons of expediency I suppose,) that such bills should receive a vote of two-thirds on their second reading, or not go further.—Surely if the Constitution meant the third reading only, a bare majority—nay a minority—nay one member would have a right under the Constitution to insist that the bill be read three times, and then the vote taken. I protest against a construction, "which makes the Constitution a nose of wax," which inside of the House, declares that the Constitution does not mean on the third reading *only*—therefore, two-thirds are required on the second reading; but outside of the House, declares that the Constitution does mean on the third reading only, (except as to representative amendments)—therefore, two-thirds are not required on the first and second reading, unless the Legislature so directs. The Constitution has a fixed meaning. If it means that reading is pro forma, then you must read the bill three times, and take a vote to agree or disagree to the bill, though but one member is in favor of it. If it means that reading depends on, and is connected with the agreeing to, then all the readings are alike, and re-

quire two-thirds at each. Will it be said that the Constitution merely requires that such amendments be read three times, and then adopted or rejected, and that the House may fix the intermediate steps of proceedings, provided, they comply with the constitutional requisition of two-thirds on the final vote? This is a shrewd suggestion; *but wire-edged logic will never cut.* If (as it is assumed petitione principii) the House can provide by resolution, &c., the House must take great care to keep within the limits of the Constitution. In this case, the House adopts a resolution that two-thirds are necessary on the second reading of a constitutional amendment; but the Constitution says, (Art. 1st, Sec. 11th) "a majority of each House *shall constitute a quorum to do business.*" If the clause had not been inserted, there could have been little doubt that a majority of the definite number [124] must be present, and then, that a majority of that quorum would decide—(see 1 Bl. Com. 478—2 Kent, 293—Jefferson's Manual, p. 127—183.) In 1 McCord's Reports, p. 60 and 62, the Judge says —"The Constitution of this State and of the United States require only a majority to constitute a quorum to do business, and I presume that rule would have been adopted if they had been silent; and a majority of that quorum are sufficient to decide the most important questions." But our Constitution has expressly fixed the quorum in general; and, in special cases, required two-thirds —therefore it is utterly unconstitutional for the House to exact a vote of two-thirds (not of that majority, but) of the whole House, in any case excepting those cases which the Constitution expressly mentions, as to constitutional amendments, impeachments, resolutions of removal, expulsions, conventions. To explain more fully, the House, on the supposition that the Constitution requires two-thirds, [83], on the third reading only, of a certain class of bills, declares by resolution, that on the second reading of such bills, two-thirds [83] of the whole body are necessary; whereas the Constitution, in another part, says that a majority [63] shall constitute a quorum; and, of course, a majority of that quorum must decide. In other words, the quorum fixed by the Constitution becomes *felo de se*, and declares that they are not a quorum in a particular case. The Constitution says 63 are a majority to do business. These 63 accept the authority, and *by virtue of that authority*, declare that 83 must be present, and unite in doing one piece of business. Is not this as exquisite as enacting that two-thirds of a future Legislature shall concur in repealing an act? Is it not as unconstitutional as the rule LXXX of the House (the Senate are more Parliamentary,) which prescribes that those rules shall not be altered save by a vote of two-thirds of the members present? Is a majority of one day, or of one session, more potent—*more a quorum* than the majority of the next? Is a quorum of the House competent alike to do business, and to restrain itself from doing business—alike to make laws and *to unmake itself?* Most emphatically do I assert, that if the Constitution requires two-thirds on the third reading *only*, then the clause (art. 1, sec. 11th,) as to a quorum, applies, and the House could no more exact a vote of two-thirds on the second or first reading of a constitutional bill, or in any case not specified in the Constitution, than they could make two-thirds a quorum *to do business generally.* Nevertheless it will be contended that though the two houses may have inconsistently and unconstitutionally attempted by resolution *to unfix the quorum*, and though both houses have (with one exception in the House) *uniformly*, though unnecessarily, exacted a vote of two-thirds on the second reading of such bills, and though in this instance a vote, which happened to be two-thirds, was taken on the second reading, still this amendment was read three times, and finally agreed to by two-thirds—precisely so. This brings us back to the true question, viz: Whether the Constitution does not require an agreeing to, by two-thirds, *on each reading.*

All the world agree as to the *third* reading, and by reference to Journals 1831, pages 23, 35, 36—1835, pages 74, 75—1839, page 97—1841, page 131—1843, pages 65, 104, 116, &c., &c., it will be seen that both houses have always thought two-thirds necessary on the *second* reading; yet I cannot

understand why two-thirds are requisite on the second reading and not on the first. Either such amendment can be read three times without a vote and then finally agreed to, or all readings are alike, and two-thirds are essential on each. As good luck would have it, I have laid hands on some old documents which I think settle the question. They are the opinions of Judge JOHNSON, CHEVES, and GANTT, (the opinion of the last is a model for constitutional argument,) in January, 1817, on the question whether the act 19 December, 1816, as to sittings of the Court (see pamphlet A. A. 1816, p. 18, not to be found in the Statutes at Large,) was constitutional, being ratified on the same day as the constitutional amendment of 1816, under which the act was passed. A majority of the Judges decided that the act was not constitutional, on the grounds, as I see in Judge JOHNSON's opinion, (who was in the majority,) and in the opinions of the others who were in the minority—that the constitutional amendment was not perfected, (and therefore the Legislature were not authorized,) when the act was read *the first and second time*—that the mere reading of the bill certainly was not all that was intended by the Constitution, *it looked to the assent of the House at the several readings.* This was not denied by the other side—they said that the Legislature must be presumed to have acted constitutionally: that similar acts had been passed before, and that the act was valid even under the Constitution, before it was amended. But the decision is a very important one, because it shows that at each reading of the common bills, *there must be a valid assent;* and if reading a common bill requires the assent of an authorized majority, surely reading a constitutional amendment requires the assent of a constitutional majority. But it will be said, the XI Art. as to amendments is not affected by the Art. I. sec. 16, as to common bills, and that such amendments need not be *even ratified* in the usual form. Be it so! the Legislature in amending the Constitution do exercise extraordinary powers under the Constitution, which is to be strictly construed against them. The consummation and validity of an amendment depend *on the agreement of two-thirds, under the forms prescribed by* XI *Article!* If the article had said once read and agreed to by two-thirds, would it not be clear, that upon the reading two-thirds must assent? and because it says read three times and agreed to, is it enough that a bare majority—that a minority assent on the first and second times? On common bills a majority of the House [63] must be present, (or presumed to be present,) to constitute a quorum, and of course ex necessitate, and even in the absence of any constitutional provision, a majority can "read." But on constitutional bills the whole House, [124] whether absent or present, is set down as the quorum, and two-thirds [83] must "read and agree to" three times! Surely this "agreeing to" is as important as the reading! Agreeing to was inserted *in direct relation to the two-thirds*—if these two-thirds are not requisite, simply reading would have been enough—as in the 16th Sec. Art. I. If those who framed the Constitution did *not* mean as I construe them, they certainly expressed themselves very awkwardly; and if allowed to write off this clause, so as to *suit* my present argument, I should be at a loss for language more intelligible or precise.

If the matter were doubtful, the Constitution and the people should have the benefit of that doubt. But I now advert to a difference of phraseology which the Constitution uses touching amendments, and which I deem *conclusive.*

The clause, (as to amendments generally,) Art. XI, directs that they shall be by *bill* at one session, read three times and agreed to, by two-thirds. But the clause, 1808, as to representative amendments, (1 Statutes, p. 195) says by bill of one session, read *on three several days,* in each House, and agreed to by two-thirds at the second and third readings, and as to both classes of amendments it is directed, that the alteration shall be agreed to at the second session, by two-thirds, *after* the same shall have been read on three several days (says the clause of 1808,) or three times, on three several days, (says the 11th Art.) which is the same. Whether the clause of 1808 dispensed with a constitu-

tional majority at the first reading, because it required *three separate days*, and not as the 11th Art. three times, (which might be in one day,) I will not pause here to inquire; but I beg attention to the *remarkable* fact, that, under both clauses, the amendments are to be introduced *by bill* at one session, which is read three times and agreed to by two-thirds. Then the bill *so agreed to* is to be published, and at the next session the alteration proposed is to be agreed to or rejected, *after* having been read on three several days. In other words, at the first session you proceed *by bill*, which is read three times, one step after another, subject to be amended at each time. But at the second session it is not in the shape of a bill, but as a fixed proposition, to be adopted or rejected, (not amended,) after having been read (for information) on three several days. Now, the practical difference is immense. At the second, session it is immaterial whether you take the vote on the first, second, or third reading, or on all. The Constitution says, that the proposed alteration must be agreed to by two-thirds, *after having been read on three days*. So that an amendment might be defeated at the third reading, though at the first and second readings it had two-thirds, and it might be adopted at the third reading, though at the first and second, (supposing the vote to be unnecessarily taken,) it had been less than two-thirds. But at the first session, if you do not require two-thirds to agree on each reading, (as in common bills you require a majority to agree on each reading,) the consequences evidently is, that the original bill is on its first and second reading, amended and altered, and metamorphosed and agreed to by a majority, and on the third reading only, you will have the judgment of two-thirds as to the alteration to be proposed, which may be very different from the various amendments. Whereas, (if I be right,) at each successive stage, you have the concurrence of two-thirds to ensure correct and wise alterations. Take the amendment before us as an illustration. If two-thirds had been required at the first reading, there would have been one more chance to avoid the mistake of making the sixty-five years limit the tenure of good behaviour, (instead of operating as a disqualification,) and the still more unfortunate mistake of attacking (unintentionally) the amendment of 1828, which is regarded as very important, and against which I have never heard of the slightest objection. I insist that this bill, not having been read and agreed to *three times*, by two-thirds, *is not before the people!*

How this irregularity is to be made available, it is not for me to suggest. It is sufficient that it be pointed out. If this amendment was unconstitutionally passed, the members, whether new or old, will sooner abandon a favorite measure than violate the Constitution in amending it.

This view becomes more important when we consider the nature and object of the Constitution, and the necessity of opposing *in limine* all constructions of that instrument, which, (though relating to matters seemingly unimportant,) are based on erroneous principles. I am aware that several politicians assert, (as was said—obiter dictum—in State vs. Williams 2d M–Cd. 301) that the Constitution of our State confers on the Legislature general power, subject only to limitations (directory or prohibitory) as therein found. Hence it is argued that the presumption is in favor of the Legislature until you point out the limitation—contrary to the rule which should govern us in construeing the Constitution of the United States. I doubt such notions. Our Legislature has *Legislative* authority, but this is *by express grant*. Art. I. s. 1. I do not think they have any valid claim to the omnipotence of the British Parliament, and when they undertake to alter the Constitution, they should be held to a strict observance of the mode therein prescribed, which must have preference to all rule. The presumption is in favor of the people, by whose mighty hand the Constitution was delineated. Nor in these views am I unsupported. In Dozier case, 1835, said Judge Butler, (in that lucid, emphatic and nervous language which he always uses when he touches constitutional questions). "It is the great purpose of a Constitution to restrain arbitrary power. Limited

"Prerogative, Definate Jurisdiction and strict Common Law," is a maxim of Lord Coke's—"it ought to animate all who profess to be governed by the "prescription of Law and limitations of the Constitution."

Said Judge Nott, in 1 Mills Reports p. 46. "The object of the Constitution "is to settle and establish the great and fundamental principles of the Govern- "ment, to prescribe the duties, define the powers, and limit the authority of "the various functionaries in such a manner as will best secure the rights and "liberties of the people."

To use the language of the Court in 2d. Tread. Rep. 664, [1814]. "The "Judiciary has been emphatically styled the *sheet-anchor of the government.* "It is not subordinate to the Legislature, but co-ordinate with it, and indepen- "dent of it. The election of the Judges is confined exclusively to the immedi- "ate representatives of the people. They have, by the Constitution, a freehold "in their offices, of which they cannot be divested by the Legislature. By the "immutability of their salaries, as well as by their exclusion from every other "office, all inducement to prejudice, partiality or bias is removed, and every "prospect of increasing their own power cut off. The people themselves "have thus drawn around this branch of the government every guard which "could secure its purity, and preserve its independence; and it is the duty of "(the people) to see that it is not weakened or impaired by Legislative inva- "sion."

Listen to Judge Harper, in 2d. Hill's Reports 272, on the powers of a Con- vention called for a special purpose—"I should not have considered this part "of the subject so much at large, if I did not regard it as of the deepest practi- "cal importance to freedom, and the security of our institutions. Why is it "that to affect an amendment of our State Constitution, two-thirds of both "Houses of two successive Legislatures must concur; and in the mean time "the proposed amendment must be published for three months. Why is it "that to call a convention of the people, two-thirds of both branches of the "Legislature must concur. It is for the security of those fundamental institu- "tions on which the rights of individuals, *and especially the rights of a minority*, "are supposed to depend. It is to prevent great changes *by a mere numeri- "cal majority* in the Legislature, acting perhaps hastily, under excitement and "with partial information. It is to secure that the intended changes shall be "brought fully to the view of the people, and canvassed before them; that "their opinions may be informed and their judgments determined respecting "them; and *from the forms that must be gone through*, that time enough for "these purposes shall be allowed."

With the alteration of a single word, I fully subscribe to the resolution of 1841 [p. 126]—"That a due subordination to the laws by every class of citi- "zens is an essential feature of Republican Government; that a claim to "exemption from Legislative [*legitimate*] authority is contrary to the true "theory of our government; and, if admitted, establishes within the State an "aristocracy irresponsible to the law."

These forms, (said Mr. Onslow, the ablest among the Speakers of the House of Commons,) these forms, as instituted by our "ancestors, operate as a check "and control on the actions of the majority; and in many instances a shelter "and protection to the minority against the attempts of power."

I repeat that under the Constitutions of 1776 and 8 (so called) the Legisla- ture, perhaps, had some slight claims to the absolute authority of Parliament. But every friend of republican, conservative, regulated, constitutional freedom, will *applaud to the echo* what Judge DAVID JOHNSON said in 1817: "Our Con- stitution has wisely adopted the principle, that all power is originally vested in the people, and that all governments are founded on their authority. The au- thority, therefore, on which the Legislature acts is *a special delegation* of a portion of that power, which was originally vested in the people, to their im- mediate representatives. They have prescribed to them certain bounds and

limits within which they shall act, and also certain rules directing the manner in which they shall act; they have no power, except what is expressly given or necessarily implied. There does not then exist any such thing as a general power of legislation in the representatives of the people, and every act done without the limits of these rules *is wholly void.*

This constitutional argument may be regarded as worthy of attention—such arguments are always unheeded until it is too late. And I feel no distrust towards the Legislature who adopted this amendment, or rather put entire confidence in them collectively and individually. But the courtesies of yesterday are often construed into the rights of to-morrow. There are no degrees (more or less) in violating the Constitution; and even though in a minority of one, I would therefore take greater pleasure and pride in reminding the majority *of a power greater than their own.* However, I am tired of this distant cannonading, and will to-morrow march out with drum and colour to do battle at Phillippi—perhaps at Pharsalia. In other words—dropping the metaphor of a siege which has been introduced only to keep my readers and myself awake, I will go into the merits of the question.

No. IV.

Oh! that for justice and the people's sake,
The law would fix and fix without mistake,
That age in Judges, which will clearly show
Those just in dotage and those just not so.

[*Original, I believe.*

If the proposed amendment is not unmeaning, suicidal and *mischievous;* and if it was constitutionally passed, it remains to be considered whether it is expedient to adopt it; and I will endeavor to show that any limitation of the Judicial tenure as to age, is unreasonable, unnecessary, and injurious *to the best interests of the State.*

The presumption is against such limitation, as it is against all constitutional amendments. Let its advocates satisfy the people that the alteration is called for.

Up to 1776, our Judges held during good behaviour. From that time to 1790, they were to be addressed out of the way. But, in 1790, our Constitution was framed, with great care and deliberation, and for fifty years has the independence of our Judiciary remained untouched. Even in 1828, the Legislature would not go further than provide a summary mode of impeachment, and it is a singular fact, that, during the 20 years of clamor against old Judges, experience has shown that such an amendment would have done far more harm than good. Such an amendment is unreasonable. It undertakes to ascertain and fix what cannot be ascertained or fixed. Why not sixty years? Why not seventy? The rule is arbitrary, and if applied to other officers and other men, would be regarded as either ridiculous or shocking!

Who does not know that in political life there is much more need of energy of purpose, vigor of body and protracted effort, and ability to bear up against harassing care—in short, of general powers of endurance, than on the Bench? What would be the effect of applying this *iron* rule to the great men of the present day?—Webster—Clay—our own Calhoun—would be set aside forthwith, while many others would soon be disposed of without inquiry and without cause. How would the age of the Judge be ascertained? Would you have it recorded? or trust him on the question of age whom you will not trust on the question of dotage!

What would be thought of a proposition that no man, after a certain age, should hold any office or be a politician, or practice law, or be a physician, or

preach, or engage in merchandize, or attend to the duties of private life, (all as important as playing the Judge, and some of them more difficult,) or to fix a limit as to making wills and *getting married?* There would be a general burst of mingled laughter and indignation! Such an amendment is unnecessary, not only because Judges seldom live so long, and because the Bar and the public are sufficiently quick (and sometimes too quick) in detecting the approaches of old age—but because the amendment of 1828, section 5th, (which, *luckily*, this amendment does not repeal, because it is not repugnant,) expressly provides that two-thirds of the Legislature can, by resolution, (after due notice), remove all officers, (Judges, too), who, at any age, are disabled by reason of any permanent, bodily, or mental infirmity, from discharging the duties of their office. Is not this the most judicious course? Why provide a remedy for all causes of bodily and mental infirmity, arising from age or any other cause, and yet limit the tenure to a certain age? Why furnish an excuse to a disabled Judge to hold on until sixty-five? If sixty-five is the proper limit, Judges in general are competent up to that age. If not, why not say sixty? But, it is said, that delicacy, pity, &c., will prevent the Legislature from enforcing the amendment of 1828. Ah! indeed? Then why permit such an amendment to remain? Why distrust the Judiciary? Why distrust the Legislature? Believe me, the Legislature who passed this amendment were not only perfectly trust-worthy, but far more competent to decide (by the same vote, too), each particular case, than to fix the rule itself.

What has been the experience of other countries? Of the United States (according to my latest information) none have limited the tenure to a certain age, except Maine, New Hampshire, Connecticut and Alabama to seventy years, New York to sixty years, and Mississippi to sixty-five years—Vermont and Rhode Island have annual elections, New-Jersey elections every five years, Georgia election every four years, Ohio seven years and Tennessee 10—the rest during good behaviour. If it be said that elections at stated periods supersede the necessity of fixing the age, then it is obvious to remark, that those elections are productive of greater evils than occasional instance of dotage. Now the limit of *seventy years* is too extensive to be of any use. So that we have two States, Mississippi and New York, who fix a certain age, while all the others adopt our principle (expressly or *substantially*), or *something worse.* In the Federal Judiciary the want of such a limitation has been so little felt that very few seem to have inquired by what tenure the Federal Judges did hold, viz: good behaviour. In England, in France, and other countries, no such unreasonable and arbitrary rule exists. Let us see what were the opinions of different distinguished men on this question, not as authority, but as the views of men, who are far more competent to instruct us in such matters, than village lawyers, like myself, or village politicians. I begin with the following excellent remarks from the Law Journal, conducted by an association of the gentlemen of the Philadelphia Bar. "Let us examine the question then in its broadest character, and inquire whether it is the dictate of sound policy, that any limitation whatever should be prescribed. To this inquiry, but a single argument can be given, in our view, in support of the affirmative: that it is the effect of old age to impair the vigor of the mind, and therefore, that the incumbent should not retain his office after reaching that period when such is the usual result. In reply, we think that several answers might be given which do away all the force of this consideration. The cardinal requisite for the judicial office, in addition to incorruptible integrity in the incumbent, is a sound judgment, which shall bring the requisite legal knowledge to the decision of every controverted point. This faculty, which is in one sense created, and always strengthened and matured by long experience, becomes at length, as it were, the character and essence of the mind, and it is the last which deserts its possessors. It is not like the fancy or the imagination—which flourish most in the prime of life, and then slowly loose their power. With the exercise of

these a Judge has but little concern; they are more suitable qualities for the advocate, and their influence, if powerful, is usually unfavorable to the discovery of truth. The duty of a Judge is to compare, to discriminate, and then to decide; it is that of calm and grave deliberation, where the reason in its most sober and serene exercise is called upon to weigh and determine. In the proper use of this faculty, the progress of years adds to its soundness, instead of diminishing it; and we see accordingly when looking at facts, that many of the ablest and wisest Judges have retained the perfect command of all their powers, at a time far more advanced, than that which many would assign as a limit for vacating the office. Not to mention other instances, Lord MANSFIELD did not assume the office till he was fifty-two, and he did not resign it until he was eighty-two. Lord ELDON and STOWELL were each near eighty when leaving the bench, and, though years have elapsed since this occurrence, they seem still to be as able as ever. Lord REDESDALE, who has lately died at the age of eighty, showed unbroken vigor till his death. In our own country, the illustrious Chief Justice of our national tribunal has passed, years since, the latest limit, [70], which is specified at the commencement of this number, without the least vestige of infirmity as yet appearing; and Judge WASHINGTON had reached it when the community were called to deplore his removal. Very many instances might be mentioned, of a similar character. To fix any period of life, then—even the latest proposed, as occasioning an exclusion from the bench—will often deprive the public of talents and learning, which it can ill afford to lose. Far more strongly does this remark apply, where sixty years are fixed as the term; and we cannot point to a more striking illustration than that which has been lately furnished by the State of New York. The tribunals of that State have been for years deprived of the judicial services of Chancellor KENT, a man who has long been an honor to his country, and who would grace any other country. While of him it may be said with truth, that he presided long enough in the courts of law and equity in his native State, to complete the full measure of his fame, and while he has, since his dignified retirement, thrown a double weight of gratitude upon the profession and the public, by the publication of his commentaries; it may also be said that the provision in the Constitution of New York, which required him to leave the bench, has occasioned greater evil than would have followed from all the superanuated Judges who might otherwise have retained their seats in that State for half a century. But a cure for the evil, whenever it may exist, is already provided for in the Constitution."

Chancellor De Agnessau presided with ability until 82—(Carolina Law Journal, p. 174). At 70 Chancellor Bibb, of Kentucky, is fully equal to all the labors of the Treasury Department.

Who does not admire the *veteran Coke*, when at 77, in Parliament, he was cheered to think of that noble record worthy to be written in letters of gold.—26 Edw. III.—"Loans against the will of the subject are without reason, and "*it is against the Franchise of the land*, for Freemen to be taxed, save by their "own consent in Parliament assembled." What a word is that *Franchise!*

In an essay on old age, written by Cicero, *nineteen hundred years ago*, we read as follows:

"My strength has not yet been found to fail me, either in the Senate or the assemblies of the people, when my country or my friends, my clients or my hosts, have had occasion to require my service. * * * It appears, therefore, that nothing can be more void of foundation, than to assert that old age necessarily disqualifies a man for the great affairs of the world. As well might it be affirmed that the pilot is totally useless and unengaged in the business of the ship, because, while the rest of the crew are more actively employed in their respective departments, *he sits quietly at the helm and directs its motions*, (*Clavumtenens sedet quietus*).—

If, in the great scenes of business, an old man cannot perform a part which requires the force and energy of vigorous years, he can act, however, in a nobler and more important character. If it is not by exertions of corporeal strength and activity that momentous affairs of the State are conducted, it is by cool deliberation, by prudent counsel, and by that authoritative influence which ever attends on public esteem—qualifications which are so far from being impaired, that they are usually strengthened and improved by increase of years. * * * Old age, it seems, disqualifies us from taking an active part in the great scenes of business. But in what scenes, let me ask? If in those which require the strength and vivacity of youth, I readily admit the charge. But are there no other? None which are peculiarly appropriated to the evening of life, and which, being executed by the powers of the mind, are perfectly consistent with a less vigorous state of the body? * * * If you look into the history of foreign nations, you will find frequent instances of flourishing communities, which, after having been well-nigh ruined by the impetuous measures of young and inexperienced statesmen, have been restored to their former glory by the prudent administration of more discreet years-"

Dr. JOHNSON's authority might be thought against us, our opponents *are welcome to it.* Speaking of Lord BUTE, (1st Boswell, p. 522) the Doctor (who was not in his dotage *at seventy-five*) says, "He (Lord BUTE) advised the King to agree that the Judges should hold their places for life, instead of losing them on the accession of a new King. Lord BUTE, I suppose, thought to make the King popular by this concession; *but the people never minded it;* and it was a most impolitic measure. *There is no reason why a Judge should hold office for life more than any other person in public trust.* A Judge may be partial otherwise than to the crown; we have seen Judges partial to the populace. A Judge may become corrupt, and yet there may not be legal evidence against him. *A Judge may become froward from age.* A Judge may grow unfit for his office in many ways. *It was desirable that there should be a possibility of being delivered from him by a new King.*"

Such crude notions did a great man express on an important subject.

From the Federalist p. 419: "According to the plan of the convention, all the Judges who may be appointed by the United States, are to hold their offices during good behaviour; which is conformable to the most approved of the State Constitutions—among the rest, to that of this State (New York). Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behaviour for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy, it is an excellent barrier to the despotism of the prince; in a republic, it is no less excellent barrier *to the encroachments and oppressions of the representative body.* And it is the best expedient which can be devised in any government to secure a steady, upright and impartial administration of the laws." And also p. 428: "The Constitution of New York, to avoid investigations that must forever be vague and dangerous, has taken a particular age as the criterion of inability. No man can be a Judge beyond sixty. I believe there are few at present who do not disapprove of this provision. There is no station in relation to which it is less proper than to that of a Judge. The deliberating and comparing faculties generally preserve their strength much beyond that period, in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor, and how impossible it is that any considerable proportion of the bench, whether more or less numerous, should be in such a situation, at the same time we shall be ready to conclude, that limitations of this sort have little to recommend them. In a republic where fortunes are not affluent and pensions not expedient, the dis-

mission of men from stations in which they have served their country, long and usefully; on which they depend for subsistence, and from which, it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found *in the imaginary dangers of a superanuated bench.*"

I will even refer to Justice STORY, although I believe he would come under the rule.

"In order to avoid investigations of this sort, which must forever be vague and unsatisfactory, some persons have been disposed to think, that a limitation of age should be assumed as a criterion of inability; so that there should be a constitutional removal from office, when the Judge should attain a certain age. Some of the State Constitutions have adopted a limitation. Thus, in New York, sixty years of age is a disqualification for the office of Judge; and, in some other States, the period is prolonged to seventy. The value of these provisions has never as yet been satisfactorily established by the experience of any State. That they have worked mischievously in some cases is matter of public notoriety. The limitation of New York, struck from its bench one of the greatest names that ever adorned it, in the full possession of his extraordinary powers. I refer to Mr. Chancellor Kent, to whom the jurisprudence of New York owes a debt of gratitude that can never be paid. He is at once the compeer of Hardwicke and Mansfield. Since his removal from the bench, he has composed his admirable commentaries, a work which will survive, as an honor to the country, long after all the perishable fabrics of our day shall be buried in oblivion. If he had not thus secured an enviable fame, since his retirement, the public might have had cause to regret, that New York should have chosen to disfranchise her best citizens, at the time when their services were most important, and their judgment most mature. Even the age of seventy would have excluded from public service some of the greatest minds which have belonged to our country. At eighty (said Mr. Jefferson), Franklin was the ornament of human nature.

"At seventy-five, Lord Mansfield presided at the trial of Lord George Gordon, and at eighty, still possessed in vigor his almost unrivalled powers. If seventy had been the limitation in the Constitution of the United States, the nation would have lost seven years of as brilliant judicial labors as have ever adorned the annals of the jurisprudence of any country."—3d Com. 487.

But I will conclude these extracts, with the views of the lamented LEGARE, (Southern Review, No. III, August, 1828, p. 112).

"We take our leave of Chancellor Kent, in hope of soon meeting with him again. We have generally given him, throughout this article, the title which he honored far more than it honored him, and which is an everlasting disgrace to the greatest State in the Union, that he does not still bear. *What a mean and miserable policy!* Lest it should have to pay their paltry salaries to a few superanuated public servants, to deprive itself of the accumulated learning, the diversified experience, and the ripe wisdom of such a man at the age of sixty. A commonwealth, flourishing beyond example or even imagination, wantoning and rioting in the favors of fortune, which have been poured upon it without stint, chaffering and haggling in by far the most important concern of society, like an usurious pawn-broker, for a few thousand dollars. In some of the poorer States, *such stupid economy* would be more excusable, or rather less unaccountable, *for nothing can excuse it.* The rarest thing in nature—certainly, the rarest thing in America—is a learned and able Judge, at the same time, that he is not only in the immediate administration of justice, but still more, if it is possible, by his immense influence over the bar and the community at large, *beyond all price.* But we Americans do not think so, or rather we act as if we did not. The only means of having a good bench is to adopt the English plan—give liberal salaries to your Judges, let them hold their offices during good behaviour, and when they begin to exhibit symptoms of

senility and decay, hint to them that their pensions are ready to be paid. The last is a necessary part of the system—but it is what the American people can never be brought to submit to. They are economical, (God save the mark) and therefore will not spend money without a present and palpable quid pro quo—they are metaphysical, and, therefore, they will not violate what is called (we know not why) *principle*. They deem any thing preferable. Extinguish the light of a Kent or a Spencer—submit to the drivelings of dotage and imbecility—nay, even resort to the abominations of *an elective Judiciary system*—any thing, rather than adopt the plain, manly, and only sure means of securing the greatest blessing but liberty, which civil society can attain to, *the able administration of the laws.*

"In the present instance, the people of New York alone are the sufferers. The distinguished person before us has laid up abundantly those miseris viatica canis, which wisdom and virtue, and they alone, confer upon the chosen few—which the world cannot give, neither take away."

Such was the opinion of our LEGARE. As to pensions, *it is an open question.* But were not the labors of LEGARE more weighty, more multifarious, more exhausting, more valuable, than those of a Judge. And how fanciful, how absurd would it be to fix by law the period at which such men should be too old to improve, to instruct, to enlighten their fellow men. True, the Judge is in the service of the public, and I, for one, will never consent to enforce, in behalf of the State, a principle which, as applicable to other officers and other stations of life, would be considered—*a doubtful experiment.*

No. V.

"Young folks *think*—old folks *know*."—*Not original.*

We who are opposed to the contemplated amendment, not only rely on the constitutional objections, (which have been stated), but contend, (to use an abstract which has been kindly furnished by a friend).

1. That so far from its being true, that at sixty-five, the minds of most men are impaired, the general rule is the other way, and the exceptions are few; and we could cite instances of distinguished men, evidently in the prime of their intellectual power, at that age, or so near it, that we cannot possibly suppose that the few years intervening can make a difference. Also instances of great efficiency at a still greater age.

2. That the best minds mature latest, and the length of the period of *after* efficiency is proportioned to the length of time required to attain maturity. This is a general law of nature and runs through all her works.

3. That if not impaired at sixty-five, then far more useful from greater attainments and experience than those who would supply their places, even supposing all other things than age and experience equal. But,

4. That other things would not be equal. The office being less desirable, the standard of qualifications would be lowered, and you would have it filled by men inferior naturally.

5. That such as would accept the office, their inferiors at least, would be rendered still less efficient by the necessity of making some provision for the period after sixty-five, which would withdraw their attention from their judicial duties, and still worse (if they looked to other public office or popular favor in any form) endanger their independence.

6. That under this amendment, promotion to the Bench would be regarded rather *as the means* of further advancement, than as furnishing an occupation for life. At sixty-five, and even before, Judges would quit the Bench, some to mingle in politics, most of them to return to the Bar, where (from the opera-

tion of various causes easily understood) they would exercise *an undue and mischievous influence* over the members of the Bar, the Jury, and their former colleagues. This certainly will not benefit the people.

7. Even inferior men, inefficient naturally, and rendered still more so by the causes mentioned, would be turned out of office in *their* prime, thus giving us the *worst* part of that which is *bad*, in exchange for the *best* part of that which is good.

In answer to these positions, what reasons are urged in favor of the proposed amendment? The printed arguments of one of its most able and zealous advocates in 1839 are before me. It is said "that it is unnecessary to fix any disqualifying age as to any other office under the government, because the limited duration of the terms for which those offices are held, places it in the power of the Legislature, or the people, to correct or prevent any evil which may arise." It must be observed, however, that a very important distinction exists between the judicial and other offices. In no other than the former is it necessary that the independence of the officer should be secured, in order that the duties of the office should be effectually discharged. The Judiciary is a co-ordinate branch of the Government, as essential as either the Legislative or Executive, and it is a matter of the last importance that it should not be subjected (except in the way of trial and impeachment) to Legislative control—especially where that control is attempted to be exercised by wholesale enactments in anticipation of imaginary evils.

It is said, "that if we were called upon to elect a Judge, we would of course vote for a candidate aged *forty-five* rather than for one aged *sixty-five*." Surely, because life does not ordinarily last much longer than *sixty-five*. But why not fix the limit at *forty-five?* It is clearly for the best interests of the State to to vote for the more youthful candidate, supposing him to be as well qualified, but it would not be for the interest of the State to establish a rule under which the more youthful candidate would be cut off, when his mind has been well stored with information and made wise by experience.

It is said "that Judges will not resign though in dotage." Would it not be cruel to make a Judge resign though in the full exercise of his faculties? Leave the matter to his friends—to the public—to the amendment of 1828—and let us not have a regular electioneering scramble, to come off at a certain day—some three or four years hence—when, according to the legislative almanac, his honor, Mr. Justice Such-a-one, is to pop off.

It is said, "that by the proposed amendment, incumbents, unfit for the discharge of their duties by the infirmities of age, would go out by the silent and inevitable operation of the laws, and that the State would always secure the services of the most able and efficient men." Yes, and those same able and efficient men will in turn go out by that same operation, very inevitable, but not very silent.

It is said, "that the salary is high and would command the best talents—the most efficient services and the brightest learning of the country." Yes, and this is the best guarantee which the State could have, that even sixty-five would leave enough of those talents, those services, and that learning.

It is said, "that during different periods the laws of South Carolina have been *mal-administered* by imbecile dotage and incapacity, when many of her sons could have been found, whose talents and whose learning would have shed lustre on the bench," Yes, in turn to be subjected to the same charges (*just as well founded*) of imbecile dotage and incapacity.

It is said "that this amendment (operating in future, of course), would increase greatly, but not too much, the chances of accession to the bench, and in the same ratio would an inducement be held out to professional excellence; but as it is, one incumbent in his dotage may exclude from the public service his superior in every qualification, for thirty, forty, or *fifty* years—(how soon such dotage must have begun)—during which protracted term a succession of

brilliant luminaries might have filled and adorned the office." Yes, to shine and then to be extinguished by that same inevitable operation.

It is said, "that the common argument against turning out an old public servant, is fallacious, and has no force; that he has been paid for his services, and that the country owes him nothing."

The answer is, that if you turn out old public servants without cause, and under an arbitrary rule, you do an injury to the country, and there can be no fallacy in the argument, which says it is wrong to treat old public servants harshly, not only without benefitting, but actually injuring the people.

It is said, that the instances of Chancellor KENT and Chief Justice MARSHALL are extraordinary exceptions. Age indeed! No one supposes that, by not fixing a certain age, we will therefore have many Kents and Marshalls. But if such men are so rare, why exclude them at a time of life when their faculties remain in full vigor? And further, the rule, on the other side, will not insure as many Kents or Marshalls, but on the contrary, will cut off, at the age of sixty-five, all who (whether Kents or Marshalls, or not) have had the opportunity of acquiring information and judicial wisdom, only in order to give place to more youthful aspirants. But the instances are not so rare. Not to mention living names, and not to go further back than our recollection—would Judge COLCOCK, if he had remained on the bench, have been any less qualified? Would he have exhibited less efficiency, firmness, sagacity and devotion to the duties of his station, than when engaged in labors quite as difficult and important, and far more harrassing? Did we behold in Judge NOTT less promptness and perception, less rapidity of analysis, less diamond-like clearness? where his decisions less profound? did his mind become less richly stored with various learning, concocted and systematized by disciplined reflection? was his well balanced and dispassionate intellect less undisturbed by irregularities of temper, or less unbiassed by any eccentricities of system? did he devote himself to the duties of his high station with less indefatigable assiduity, after he passed without the magic circle? And Judge DESSAUSSURE, after he had attained his three score years and five, were his services less valuable and less faithful? where his decrees less luminous and less Chancellor-like, than they unquestionably had been when he was in the vigor of manhood? To say nothing of the information, (legal and general), the experience, the judicial wisdom, the familiarity with, and the deep insight into the principles of jurisprudence, which nothing but a continuance on the bench can give? Was not the mere presence of such judges, so learned and yet so practical, so paternal and yet so dignified, so venerable and yet so efficient? Was not their presence alone useful to the bar, improving to their colleagues, edifying to the public, and grateful to the State?

Again, it is said that in a Republic, the Judiciary is more formidable than under a Monarchy. The reverse is the fact. In our own State, the Judges held by the tenure of good behaviour, yet our Legislature, in 1834, decided that if they could not eject the incumbent, they could destroy the office by a change of system, so that to use *the very words* of the Herculese in that debate, "being without office, he is no longer an officer." Republicans need not be alarmed when in England, (says De Lolme, speaking of the Judiciary), such is the happy nature of this institution, that the judicial power, a power so formidable in itself, which is to dispose, (without finding any resistance), of the property, honor, and life of individuals, and which, whatever pecautions may be taken to restrain it, must in a great degree remain arbitrary, may be said to exist, to accomplish every end intended, and to be in the hands of nobody."

Again, it is said "that the approaches of old age are so gradual, and its dotage and imbecility so difficult to be proved, that the remedy under the amendment of 1828 cannot be applied." In what does the difficulty consist? The supposed imbecility or infirmity must be known to the Bar, must be perceptible to the public, and will reach the Legislature by our representatives.

Resolutions are introduced. The incumbent is heard without the formalities of impeachment, and two-thirds of the Legislature decide (as they decide other questions of great importance). Not governed by the rules of special pleading and legal evidence, but guided by principles of honor, of justice, of duty to the accused, and to the country.

Again, it is said, "that our sympathies should be enlisted in behalf of the suffering community, called on to pay large salaries for judicial services not rendered, or which is an hundred fold more intolerable, for services that the community would be better in not receiving—for justice mal-administered, for an administration of the law that covers the whole machinery of justice with contempt and ridicule. Such is the legitimate and necessary consequences in occasional instances of our present system of tenure in the judicial office. We, the people, want an administration of the law in our Circuit Courts that shall inspire us with respect and confidence. It would be a far wiser policy to pay your incompetent Judges to stay at home and do nothing, and then to pay other persons who are competent to perform their duties, than to have the sacred character of justice mocked and burlesqued in her holiest courts and temples. How important is it that every day's justice, which is administered at every man's door, should be meted out in an able, dignified, and discriminating manner, inspiring an acquiescent feeling in the minds of the litigants and a general confidence in the community! Tell the honest and poor man, whose rights have been rudely trampled in a Court of Justice, that his remedy is in the Court of Appeals, in Charleston or Columbia, and, in nine cases out of ten, he will tell, with an incredulous smile, or perhaps with a sorrowful and dejected countenance, that the remedy to him is an illusory one, and that he cannot, and will not risk the consequences of further defeat, which might involve his family in want and privation."

These are bitter words. This is indeed a lamentable picture to show *the deplorable though legitimate and necessary consequences of occasional dotage on the Bench—dotage not only* mocking and burlesquing the sacred character of justice, but *rudely trampling on the rights of the honest and the poor.*

The answer to all this is obvious. It is very strange that if this has been the state of things since 1839, and during other different periods, that the people have scarcely yet discovered that they were so much wronged, or that a remedy, plain, simple and easy, was in the hands of the Legislature itself. It is still more strange, that their representatives should have been so lost to a sense of their duties, as to have shunned the responsibility of applying a remedy evidently in their hands. If the people were ignorant of their wrongs and rights, and if their representatives had so acted, my sympathy would be deeply enlisted in their behalf. But such a state of things is utterly incompatible with the manly intelligence and quick sense of wrong which has always characterized our people—utterly incompatible with the enlightened patriotism and high sense of public duty, which has ever distinguished their representatives.

Fearing, however, that my readers are fatigued, I will suspend these remarks until a future number, which will have the decided merit of being *the last.*

No. VI.

Judges and courts may flourish or may fade!
Your breath can make them as your breath has made.
But these great principles, the country's pride,
When once destroyed can never be supplied!

(*Improved.*)

Unless greatly mistaken, I have shown that the proposed amendment is so framed that it does not effect the alteration intended—that it will repeal the 4th section of the amendment of 1828, as to inferior Judges—that it was not

constitutionally passed at the last session, and that it proposes a rule, arbitrary and unreasonable. I have also endeavoured to answer various arguments which had been, (and do doubt will again be used) in favor of that rule.

Let us now take a more enlarged view of the nature and basis of the rule itself.

It is subject to the fatal objection that while it proposes a remedy for an evil, it does not direct your attention to the existence, or consequences, or general or certain causes of the evil, but fixes a period at which it is assumed that one of the several causes will produce certain effects—effects, too, which are visible as soon as the assumed cause begins to operate. The evil complained of is not that

"A judge at sixty is a fool indeed,"

but that if the good behaviour principle be adopted, without restriction or limitation, Judges will remain on the Bench after old age and other causes shall have disabled them from discharging their duties. Thereupon it is enacted that the attainment of a certain age, [sixty-five] shall remove all Judges, whether disabled or not.

Surely the statesman will strike at the causes of disability, and if the causes are beyond his control, and therefore their effects cannot be anticipated, he will provide a remedy for the evil, to be applied when, and *not before* it appears.

This amendment is subject to the further objection, that if it removes one Judge who is disabled from age, it removes another who is not: And as experience shows that of a given number at sixty-five, one half, at least, are better qualified than the surrounding crowd of youthful aspirants, it is difficult to conceive how the State can gain.

This amendment is subject to the further objection, that although it is not, perhaps, repugnant to the 5th section of the amendment of 1828, and therefore does not undesignedly repeal it, (since the one prescribes the tenure and the other provides a summary mode of impeachments) still the two are inconsistent in principle and theory. By the 5th section of the amendment of 1828, a remedy, plain, simple, rational, not capable of being abused, is applied to all cases of sickness as they arise. This amendment provides a remedy, (which will kill as often as it will cure), not to actual sickness, but to sickness *assumed*. Why employ a special physician who gives you nothing but salts *at a stated period*, without any regard to the state of your health, when you have your family physician who will prescribe according to the necessity of your case.

This amendment is liable to the further objection, that it proposes in some way and to some extent, to meddle with the judiciary department—the most important—the weakest—the least dangerous—and the one that, above all others, requires to be "let alone"—especially in a Republic, where the conservative principles of the bar, and the independence of the judiciary, are far more essential than even in a limited monarchy.

This amendment violates several leading principles in political ethics—viz: That a Constitution should be in as general terms as is consistent with the attainment of the object in view—that its general provisions should admit of as few exceptions as practicable, and especially that it is far better to provide a remedy which can be applied to evils as they arise, *than to restrict the operation of a salutary principle by engrafting on it a limitation which will certainly prove injurious*, and yet prevent only one of the several evils apprehended. By way of illustration, let us suppose we were framing a Constitution *de novo*, and were about to draft the clause as to judicial tenure. Two important objects are to be obtained. 1st. That the Judge shall hold by such a tenure, that he will be entirely independent within the scope of his authority, and be allowed to remain on the bench so long, that he will have every opportunity of becoming familiar with his duties, of increasing his fund of information, of

acquiring experience, and of enlarging his judicial vision. 2dly. To provide the means of punishing bad Judges and removing incompetent Judges. We would look around and discover several elements entering into the schemes originating with those who have turned their attention to these important subjects.

1. The good behaviour principle.
2. The same to a certain age.
3. Elections at stated periods.
4. Impeachment as in case of crime.
5. Removal from office for disability from age, &c., by summary proceedings.

Now of these elements it would seem evident that the only one which is connected with the first object, (the securing of good Judges), is the good behaviour principle. All the other elements limiting the tenure to a certain age, elections at stated terms, impeachment and removal, all relate to the second object, viz: providing a remedy for evils, inseparably connected with the Judiciary, but *not caused by the good behaviour principle.* How, then, shall we proceed? That the good behaviour principle is the best calculated to form enlightened and independent Judges, need not be argued in Carolina. But is it not evident that in the way of remedy, nothing can be better than impeachment for crime, and summary removals, (with due notice to the party to be affected) in case of disability from age, or any other cause. And this remedy, (unlike the limit to a certain age and stated elections), not only produce no injurious consequences, but is perfectly compatible with the good behaviour principle. So that whether we select our tenure and our remedy apart from each other, or in relation to each other, we come to the same conclusion. Indeed I consider the present to be a contest between the advocates of the good behaviour principle and some other tenure—for though we are now to choose a remedy, we must do so in relation to the tenure. And why should we hesitate in the choice of remedies, when the remedy which now exists is not only the best, but also admirably suited to—in fact imperatively required by the existing tenure. Nor should it be overlooked, that in the proposed amendment we have a striking illustration of the wisdom and necessity of opposing all constitutional amendments, until satisfied that they are called for—that they will operate well, and, above all, that they will harmonize with other parts of the system. For here is an amendment which (not to reiterate the manifold objections already stated), will not only introduce a new element into our Judiciary system, but will clash and interfere, (very unexpectedly too), with several clauses of the Constitution—clauses too highly prized to be expunged *without the courtesy of even verbal notice!*

But, the objections to the proposed amendment are not yet exhausted. It will deter superior men from aspiring to the bench. No doubt the emoluments, the pleasures, and honors of Judgeship, will be still attractive, but certainly it must be put down among the per contra, that at a certain age, the occupation of life—the means of livelihood must cease. The same considerations which render it painful for a Judge to resign, (and our opponents say that Judges may die, but will never resign), the same considerations would operate strongly in deterring men—high minded—ambitious—rejoicing in the vigor of intellect—from voluntarily accepting an office on the implied condition of admitting that at sixty-five they will be disabled, and on the express condition that when sixty-five does arrive, they shall be *stultified according to law.* Superior men will be less anxious to wear the Ermine—inferior men will be still further deteriorated by the very rule which cuts short their judicial experience.

The proposed amendment is utterly incompatible with the independence of the Judiciary? What is the independence of the Judiciary?—that a Judge is allowed to hear and decide cases, *without being put in fear*—that he will not be mobbed—or, that if an exciting discussion should

arise at the Bar, there will be a stout friend present to halloo "*hurra for the Court!*" No! it means this: That the Judge should not only be uncontrolled in fact, within the scope of his authority, but also removed beyond the operation of any cause, (proximate or remote), which would impair *true moral courage*—that feeling of entire self-reliance which listens only to the mandate of the law, and treads only the path marked out by duty—actuated by which, a Judge is incapable, alike of usurping power and shrinking from responsibility. A Judge, who depends for his salary, or his office, on the will of another, cannot be independent. Is he independent, if he has not the assurance that nothing, save bad behaviour, or the will of God, can deprive him of that office, which is at once honor and livelihood? He is not independent, if he knows that at the end of four years he must be subjected to the ordeal of an election. Is he independent, if he knows that at a certain age, he must abandon his present occupation, and find or make patronage and friends in some other pursuit? Surely, if a Judge is independent, untrammelled in fact, and assured in feeling, when he holds his commission during good behaviour, (that is, in his estimation, for life), must he not be less untrammelled—less independent—less assured—less fearless—less dispassionate—if any new element is introdueed—if, instead of an estate for life, he has an estate for a term of years? We should be consistent; we should not limit the good behaviour principle, and yet hope to find it as beneficial as if it was not limited at all. "During good behaviour" was inserted, not to prevent bad Judges from remaining on the bench—the impeachment clause, &c., would have been sufficient for that evil—but to offer certain advantages to Judges, without which you will not have good Judges; and the idea of lessening the advantages, *in order to get better Judges*, (instead of providing means for removing bad Judges), is as fanciful as the idea of *reducing your price in order to get a better saddle horse*, instead of offering a handsome price, and providing for unsoundness, if it should appear!

But a more serious objection remains. What will be the effect of such an amendment on the Judge himself? Instead of looking forward to a long life of usefulness and honor—instead of calmly and sedulously devoting himself to the duties of his station—he feels that every day brings him nearer to that fixed period when he must descend from his station—lay aside the dignity which has hedged him round—and mingle in the crowd of the next generation. *His days are numbered*—and he watches the hour which will render him up a victim to the moral guillotine. Is he talented?—is he well informed?—has he acquired the art of inspecting cases with judicial eyes?—has he built up a reputation for learning, ability, experience, courtesy, wisdom, usefulness? All these will be things of memory when the silent and inevitable operation of a law, arbitrary, unnecessary, ill-advised, and mischievous, will make him give place to those youthful aspirants.

And his colleagues—a settled and connected system of decisions was combining the common and statutory law into a regular code. The fabric of the law was rising into a beautiful structure of just proportions and consolidated strength. The work may pass into able hands, but the unity of design, the thorough understanding of each other's views, and fixed habits of co-operation, the communion of thought and labor—to his colleagues, all this is irrecoverably (and wilfully) lost. For myself, I never hear the objections that are urged against *old Judges*, without recalling those beautiful lines of JOHNSON, in which allusion is made "to the sun in his evening's declension, when he remits his splendor but retains his magnitude—and pleases more, though he dazzles less."

I have thus brought to a close a number of essays, which have no doubt proved tedious. If any inaccuracies are pointed out, I shall cheerfully correct them. Further defence of the citadel I shall leave to others. "Lay on McDuff." Yet I beg the mailed warriors on the other side, to believe that I have fought *as an amateur*. I am not the champion of the present Judiciary.

Their rights are not involved, and I think we should settle such a contest without reference to men. If their Honors should trouble themselves, so far as to gaess who I am, they will recognize a servant of the law—one who is neither an assailant nor a sycophant of the bench. Yet allow me to say to the public, that in legal information, in ability, in general knowledge, in diligence, in skill, in the faithful discharge of duty, in kindness, in talents, in high-minded sense of honor, in character as Carolina gentlemen, our Judiciary is second to none. Faults some of them *must have*, or they would not be *men*. Great and many virtues have they all!

"Be to their faults a little blind,
Be to their virtues very kind"—

and never forget that a Judge, like memory and a faithful friend, *requires to be trusted!*

I have given a history of the judicial tenure in England and in South Carolina. I have furnished all the information within my reach, whether for, or *against* my views; and I have endeavored to show,

1st. That under the proposed amendment, (which cannot be altered at the next session), the limitation of sixty-five years applies to the tenure of good behaviour, and does not operate as a distinct substantive disqualification; it makes no provision for vacating the office, or defining the tenure *after* sixty-five; nor does it render a man older than sixty-five ineligible.

2d. That the amendment will undesignedly repeal the constitutional amendment of 1828, as to the tenure of inferior judicial officers, and clash with all the legislative enactments relating thereto, since 1828.

3d. That the proposed amendment was not constitutionally passed at the last session, (not having been *read* and *agreed* to three times, by two-thirds of both branches); and therefore cannot be consummated at the next session.

4th. That the proposed amendment is unnecessary, because the Constitution already provides for all cases of incompetency, viz: by resolution, after due notice and full hearing.

5th. That the proposed amendment is unreasonable, arbitrary, uncalled for, and condemned by the experience of other States and countries.

6th. That the proposed amendment will strike a fatal blow at the independence and usefulness of the Judiciary, and be highly detrimental to the best interests of the State.

This question has been referred to the people. I call on the people not to sanction an amendment which is imperfectly drafted; which will affect injuriously other parts of the Constitution; which is not expedient in itself, and is entirely unnecessary, since another and a better remedy now exists. I earnestly entreat the members of the Legislature to pause well before they adopt an amendment, which has not been passed in accordance with the Constitution, and which will transfer responsibility from themselves, on the avowed reason that responsibility has not been exercised. Let them not regard this as a struggle in which the interests of the future, or the feelings of the present Judges are concerned. The Constitution is in danger.

If, however, the people should be indifferent (as they sometimes are) to a question of vital importance; and if their representatives should acquiesce in the judgment of their predecessors, it will only remain that *those same glorious twenty-eight*, who have hitherto opposed novelties, shall record their votes against a measure which will not be the last effort of innovation—(*Monstrum—informe—ingens—cui lumen ademptum*). Not to be too particular, and not to go further back than five years, the advocates of change will renew the assault on Grand Juries, on the Governor's election, on two day's election, on the location of the Bank and public offices, on elections generally, on public salaries, on the electors of President, *on the basis of taxation*, on the ballot box, on the Court of Equity, and (growing bolder and bolder still), on *the basis of repre-*

sentation. Influenced by the best of motives, but without reflecting a moment on the consequences, several of our public men will, year after year, urge, as they have urged upon the Legislature, measures which, if adopted, will inevitably lead to further changes. In the very halls of Legislation, the spirit of Liberty, instead of incense and sacrifice and crowded shrine, will behold nothing but the shattered ornaments of her desecrated Temple! The harmonious and perfect action of the State Government will be disturbed—the solemn guarantee of the Constitution will be broken down—the old and all absorbing question of upper and lower country ascendancy will be again revived—and the energies of the State—her character abroad—our best interests at home—will be again merged and exhausted in a bitter and bootless conflict among ourselves! And even when calm is restored and the sunshine returns, it will be the calm, not of *peace*, but of *solitude*—it will be the sunshine *after* the storm—not to *repair* but to *witness* the destruction!

Yet, I fondly trust, that better omens will prevail, and that neither presumptuously, nor in vain, came to the rescue of the Constitution, one who

Is *nominally*,

"THE BLACK SLUGGARD."

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LETTER

TO THE

HON. GEORGE EVANS,

UPON THE

SUBJECT OF THE REMISSION—IN CERTAIN CASES—OF

THE

DUTY UPON RAILWAY IRON.

Printed by John T. Towers, Whig Standard Office.

LETTER OF A MEMORIALIST

TO THE

Chairman of the Committee of Finance of the Senate, on the subject of remitting the Duty on Railway Iron.

WASHINGTON, D. C., *March* 1, 1844.

To the Hon. GEORGE EVANS,
Chairman of the Committee of Finance in Senate U. S.

SIR: I notice that you have reported a bill in the Senate, which, if adopted by Congress, will extend the time of imposition of duties upon railway iron in certain cases. As this question is vitally important to the productive interests of this country, allow me to present to you a few of the many reasons, both of a general and special character, which seem to me applicable to the question, though you are now doubtless possessed of better testimony in the premises than I am able to set forth.

The article of railway iron was from July, 1832, to March, 1843, practically, duty free. The United States Government, acting upon the principle that cheap and rapid intercourse conduced to national and individual prosperity, adopted, for that period, a policy which *induced and enabled* the wealthiest sections of country, like *Massachusetts* for instance, to nearly perfect a system of railways, which afford them the means of locomotion and transportation, to points of production, and points of consumption, for less than one-half that it costs other sections, which, by reason of a more *sparse* population, and more *limited* means, have not yet constructed such roads. I am aware that the reply will be, that railway iron can now be purchased as cheap (duty added) as when the earliest railways were built; but, independent of the fact of the increased value of money, those first finished enjoyed *more than an equivalent* for any present reduction of price, in the article of the iron, by their *novelty*, *monopoly* of travel, and by *increasing* the agricultural, and *calling* into existence the various manufacturing pursuits, which, by the freights created, have rendered such lines profitable—like the Worcester,* the Lowell, and Nashua railroads in Massachusetts. Take, if you please, a few simple, plain reasons, which show practically their influence. The farmer at Rockford (Illinois) pays $20 per ton for the transportation of his wheat to Chicago, some 80 miles; at Woodstock, or Rutland, (Vermont,) $20 per ton for the transportation of his butter, cheese, and

* The market man for Westborough, on this railroad, paid to the inhabitants of that town $50,000 the last year for milk vegetables, &c., sold at Boston. The eastern division of the New York and Erie railway, during the six months prior to September 30, 1843, delivered 300,000 quarts of milk at New York, reducing the price from 6 to 4 cents the quart at an annual saving to that city of $120,000.—See supt's report.

pork, to Boston, 150 miles; and the same for his return articles of consumption. This is actually the price from those points by team or horse power. Now, the farmer at Albany, (N. Y.) pays $5 per ton export for his pork to Boston, 200 miles; and same price for his imports by cars upon the Western railroad. Gypsum or plaster is, you are aware, much used for many soils. The farmer at Nashua, (N. H.) pays, delivered from the railroad, (41 miles,) $5 per ton, at Fitchburg, (Mass.) about the same distance, he pays (by team) $10 per ton. The cotton manufacturer at Nashua, with 4,000 spindles, makes 7,500 pounds of cloth per week; and saying nothing of the requisite excess of *at least* 8½ per cent. in the raw material, you have 7½ tons per week import, and export, or 391—say 400 tons per annum, at a cost of $2 per ton by railway, is $800. The Fitchburg cotton manufacturer pays $7 per ton, by team, is $2,800—leaving $2,000 balance in favor of the Nashua manufacturer, to which you may safely add another $1,000 for facility of communication, and saving in the transportation of his starch, flour for sizing, coal, and bread stuffs.

The illustrations above cited, will more or less apply to all our widely extended country, away from water communication, where steam and horse power are put in competition. It is submitted, therefore, whether the imposition of this duty, is now just to the different sections of the country?—to the younger and less wealthy States?—or accords with the genius and spirit of our constitution and laws.

Again: It will not be denied that railroads (though in infancy) have been contributors to national wealth, by increasing home production, mail facilities, developing new resources, enhancing in value, as they bring nearer to market, the public lands; that they were beginning, and if persisted in, will ultimately consolidate and unite, by one vast system of inter-communication, this whole country.* How can Government be justified in imposing an excessive, if not prohibitory duty, upon the material, which said duty *arrests* the completion of the feeble roads, commenced under an implied guarantee of eleven years policy, and thereby sacrificing the property of individuals and States, by depriving them of the power to finish them? Let it answer this question to Michigan, who is now knocking at its doors for relief; to Georgia, or any State, or individual company interested. I am aware, that it will be said that duties reduce the prices. This may be true, where our manufactures come in competition with the foreign; and it would undoubtedly be true, that our high duty on railway iron would reduce the price of that article in England, if the United States were the leading market. But, in this case, their leading foreign market is upon the continent of Europe—in France, Belgium, Germany, and Russia. While by their redundancy of capital, the amount invested in the manufacture of this species of iron is very great; the competition, as the writer knows from actual experience, for the smallest orders,† strong; and with their present capacity for supply, it

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*Passengers, during the past summer, have been conveyed from Buffalo to New York, by railroad and steamboat, 510 miles in 37 hours, for $11 50. And by means of the Albany and Boston road, from Buffalo to Boston, 560 miles in 36 hours, for $15. Should Congress remit the duty so as to enable the New York and Erie railroad to be completed, the passage from Lake Erie to New York, 451 53-100 miles, would be performed in 26 hours, at a probable fare of $10.

† In the order alluded to, of only 4,000 tons, there were some twenty applicants. I am of the opinion that a very small enhancement in price would induce the Scotch, who now undersell in some kinds of iron, to commence the manufacture; besides, one-third of the English forges are out of blast.

can hardly be supposed that any demand from this country can permanently affect the price, as will be perceived by the following schedule of

Prices of railroad and bar iron in Great Britain, from 1836 *to* 1844, *as furnished by Messrs Davis, Brooks, & Co., of New York.*

January, 1836,	punched rails, in Liverpool	£6	12	6	free.
	merchant bars, in Wales	5	10	0	$24 duty.
April, 1837,	punched rails, in Wales	£10	5	0	free.
	merchant bars, in Wales	9	0	0	$24 duty.
Septem'r, 1838,	T rails, in Wales	11	0	0	free.
	punched rails, in Wales	9	0	0	"
	merchant bars, in Wales	8	10	0	$21 duty.
January, 1839,	T rails, in Wales	11	0	0	free.
	punched rails, in Wales	10	0	0	"
	merchant bars, in Wales	9	0	0	$21 duty.
January, 1840,	T rails, in Wales	11	15	0	free.
Decem'r, ——,	punched rails, in Wales	8	0	0	"
August, 1841,	T rails, in Wales	8	5	0	"
	punched rails, in Wales	7	0	0	"
	merchant bars, in Wales	6	10	0	$18 duty.
May, 1842,	T rails, in Wales	7	0	0	free.
August, 1842,	punched rails, in Wales	5	0	0	"
January, 1842,	merchant bars, in Wales	6	0	0	$14 duty.
April, 1843,	merchant bars, in Wales	4	12	6	$25 duty.
August, 1843,	T rails, in Wales, £4 17 6, to	5	10	0	$25 duty.
Novem'r, 1843,	punched rails, in Wales	4	7	6	$25 duty.

[The difference in the manufacture is as follows:

The T or edge rail, about 7s. 6d.; the flat rail, 5s. above the cost of the ordinary merchant bar; refined rolled iron cost about £3 more than the puddled bar.]

Again. No railways are known to have been commenced since the passage of this tariff. Those now projected await the action of Congress upon this question; and I would now submit, if it be not due to the great iron interest of the State of Pennsylvania, that this article should be free, and for the following reasons:

1st. It gives vitality to the lines now projected, and many others, which immediately created a demand for vast quantities of iron of better qualities and prices,* affording profits to the maker above the heavy cost of transportation. In the shape of iron, suitable for cotton, woollen, and other machinery, and for railroad work, for engines, cast iron wheels, spikes, chairs, &c. Subjoined are some of the items of cost for construction of a railroad, which will show how large a portion of the expense is in the above items, copied from the report of the Western Railroad, to the Legislature of Massachusetts, for 1842, for 117$\frac{8}{100}$ miles of said road, to wit:

Graduation and road bed - - - - $2,289,371 91

(In this work, the amount of iron used in the shape of dirt cars, drills, iron bars, and pick axes, shovels, &c., is great.)

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*One of the intelligent representatives of that State assured me that he was obtaining $80 per ton for iron, which he sells at Pawtucket, Hartford, and Boston. Now the cost of railway iron, duty added, will not exceed $54 per ton, while the investment is much heavier to make it to advantage. It will be perceived at once, as railroads are what build up the manufacturing interest, how deep his interest is in this question. It is the machinist at Pawtucket and Lowell, who can afford great prices, for he will have good iron, of toughness and strength.

Bridging and masonry - - - - $977,961 74
(Great amounts of iron for trussing bolts, sledge hammers, chairs, &c.)

Depot buildings, aqueducts, &c. - - - $188,660 57
(Large iron rods for supporting roof, and strengthening the timber and iron pipe.)

Engineer department, instruments - - - $190,248 86

Engines and cars, for 156 miles of road - - $642,547 04

The detail of the last item is as follows:

29 engines, iron or steel, (save the boiler lining) - - 950,000 lbs.

29 tenders, nearly all iron say, of do. 10,000 pounds, × - 290,000 lbs.

25 passenger cars (64 seat) { 1,500 wrought iron. / 5,500 wheels and boxes. / 1,000 wr't iron axles, &c } 8,000 lbs. × 200,000 lbs.

11 passenger cars, short { 750 wrought iron. / 2,750 wheels and boxes. / 500 wrought axles. } 4,000 lbs. × - 44,000 lbs.

266 long freight cars { 1,200 wrought iron and steel. / 4,500 castings, 1,000 axles, &c. } 6,700 lbs. × 1,782,200 lbs.

170 short freight cars. { 600 wrought iron and steel. / 2,500 castings. / 500 wr't iron, for axles, &c. } 3,600 lbs. × 612,000 lbs.

Here you have of domestic iron, besides turn-tables, switches, &c. - - - - - - - 3,878,000 lbs.

The weight of chairs for 100 miles, 10,000 lbs. to the mile, is 1,000,000 lbs.

The weight of spikes for 100 miles, 4,575 lbs. to the mile, is 457,500 lbs.

9,000 tons of the T rail, 52 to 56 lbs. to the linear yard, for 100 miles, duty $25 per ton, is - - - - $225,000 00

Cost at Cardiff, in Wales, as paid by the Fitchburg Company, for 100 miles, $24 per ton, is - - - - $216,000 00

It should be also born in mind, that, while the iron rails suffer but little by abrasion, the cars and engines are constantly wearing out, and substituted by new ones, while an enormous quantity of iron is used in repairs, which, upon the Western Railroad alone, for the engines, which are all iron or steel, in 1842, cost $38,611 07. And the Pennsylvania coal (for Crab engines, made by Thomas Winans, of Baltimore, who now has a contract with the Russian Government for 182 engines, at a cost of $4,000,000, for the railroad from St. Petersburg to Moscow) cost $11,078 04.

The estimate of spikes necessary to finish the New York and Erie Railroad, is 1,057,224 pounds; of castings, chairs, &c., 4,383,268 pounds. (See Engineer's report.)

As I intend, in a future communication, to give some further detail of the consumption of domestic iron for railway purposes, it is hoped the above general facts will be satisfactory. I have deemed them important, because some suppose that this consumption, immediate and prospective, is actually more in tons than that of the rail itself. Now with such facts, with the home consumption which these railways create, both directly and indirectly, why, in the name of Pennsylvania, is this change of policy of stopping the demand, nay, the very avenues, which are to give her the means of cheap transportation for her iron, and create for her new markets? And if she advances, for 11 years to come, as rapidly in capital and skill in the manufacture of this article, as for the 11 years in which iron for railways has been duty free, will furnish that species of iron also, not only for this country, but for exportation. Time will not permit me to press this inquiry further, but I hope enough has been said to arrest the attention of the able

statesman of that great and growing State, and, with a candid examination, I am confident of the result.

Again: The more extended a railway is, as a general principle, the more profitable. Why stop their progress, when the average annual income of the 5,000 miles now built in the United States is not supposed to exceed 1 per cent. on the investment? Will the Treasury receipts* for the current year justify a tariff so unequal and disproportionate?

Here are the prices of railroad stocks sold at the Stock Exchange, New York, January 1, 1844:

Those companies marked with a * have never paid any dividends. The others average about 5 per centum per annum.

New York and Erie	*10 *a* 15	per cent.
Mohawk	*52 *a* 53	do.
Harlem	*42 *a* 43	do.
Utica and Schenectady	119 *a* 120	do.
Syracuse and Utica	105 *a* 106	do.
Auburn and Syracuse	110	do.
Auburn and Rochester	104	do.
Brooklyn and Jamaica	*75 *a* 80	do.
Long Island	*70	do.
New Jersey	98 *a* 99	do.
Paterson	*80 *a* 85	do.
Troy and Saratoga	*nothing.	
Troy and Schenectady	*15 *a* 25	do.
Providence and Stonington	*34 *a* 35	do.
Norwich and Worcester	*33 *a* 33½	do.
New Haven and Hartford	*65	do.
Tonawanda	*60 *a* 65	do.
Buffalo and Niagara	*5 *a* 10	do.
Lockport	*nothing.	
Buffalo and Attica	75 *a* 80	do.
Saratoga and Washington	*40 *a* 42	do.

The stocks of Michigan and Illinois are considered without value, until the few finished routes in those States substitute the heavy T rail, which depends upon this duty.

The Southern railroad stocks are not much known, and very few of them have ever made dividends.

There are several roads in New Jersey that are barely able to keep in existence, but their condition is generally improving a little.

[The amount of railroad iron imported into New York since March, 1843, was a small lot of about 500 tons for the Norwich and Worcester extension; and very recently a lot for the Harlem Company, of about 1,100 tons, now in the hands of the Government, and about 800 tons for the Mohawk Company, in which duties have been paid. The total may be estimated at 2,500 to 3,000 tons.]

Further: Government has expended millions upon forts for the protection of her harbors—why prevent, or obstruct the building of railways, which are not only to man these forts in the least possible time, but also, when they

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* Here are those of the custom-house at N. York above, being $2,016,586 83, for the first 24 days in February; and those at Boston, from January 1 to February 24, 1844, being $813,285 52; while, from January 1 to February, 24, 1843, they were $267,335 89 only.

reach our frontiers, give to it the power of concentrating troops and warlike stores in case of border outbreaks, or foreign aggression, for a *small* fraction of what it has cost heretofore?

Again: While the imposition of this duty was pending during the first session of the 27th Congress, it was then asserted, as it has been ever since, that there was abundance of capital ready to embark in the manufacture of railway iron. It is submitted, that not one pound* of the T or edge rail has been made. It is true, that a few hundred tons of the common plate rail were made in Alleghany county, Pennsylvania, by a company which, since this heavy duty was imposed, *has become utterly bankrupt;* and it is said that a few hundred tons of the same article are now being made for some road in Michigan. But the undersigned attempted himself, in behalf of the Boston and Fitchburg Railroad, to purchase 4,000 tons of the edge rail which is the only suitable one for any road, *for cash, and totally failed.* The agent of the company, after keeping him in suspense some two months, informed him that he could not contract to deliver the iron at New Orleans, or to any other point of ship communication, for $60 the ton.† As this was some $15 per ton (including freights to Boston) more than the iron would cost, duty and all, the hope of using Pennsylvania iron was then abandoned. And notwithstanding the letters and memorials which are now being sent to members of Congress asserting the ability and readiness to make the article, for a reasonable price, the friends of remission deny both; ask the proof; go farther, and say—"*take your time*," "*be sure you are right;*" and when you are ready to make and deliver the edge rail at Philadelphia, Baltimore, or New York, for 50 per cent. more than it costs delivered in England, they will not only become purchasers, but join in petitioning for a revival of the duty, should Congress afford them relief.

Upon the subject of memorials, allow me to notice a little more directly some of the reasons as set forth in one of them to the Senate of the United States against remitting this duty.

It said "that railway companies now ask for a legislation peculiar to itself."

Ans. *It has been the policy of the Government for* 11 *years, and we only ask for even-handed justice.*

It is said "that Government has lost $4,000,000" by her liberal and enlightened policy.

Ans. *This would have been gained, only at a more severe sacrifice, and loss in the stocks of said companies.*—See sales of stock, page 7.

It is significantly asked, "What has been the result of this policy upon the industry, currency, and credit of the country?"

Ans. *Let Massachusetts, which (as has been said) has brought her railroad system nearest to completion, having expended more than* 18 *millions for such roads, reply.*

It said "that the foreign manufacturer pockets the difference in price, instead of paying it into the United States Treasury."

Ans. *Here a one-sided view is given, by citing only three years. The remaining seven would have shown a different result, as will appear upon page* 5.

It said "that works erected for this purpose, will be forced into the manufacture of those kinds of iron, which are highly protected."

Ans. *How many tons of railway iron have these works made? And where have they been erected for this purpose?*

It said "that by this duty the construction of railroads will not be retarded more than they ought to be.

Why retard them at all? And then, again, in the same breath, (strange inconsistency,) "*that their cost will not be sensibly increased.*"—See page 6, *where the duty is given for* 100 *miles.*

The memorial then speaks of the "*extensive construction of solid and permanent roads.*"

Do the memorialists mean to use the plate rail, the only kind yet made here?

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*One of the largest and most respectable houses in the iron trade in New York have given out, standing orders for the last year, but have not been able to obtain a pound.

†See also report of the Commissioners of the State of Michigan, upon buying railway iron in the United States.

It said "that most of our great channels of communication have been constructed, and mines opened by canals and railroads."

Denied; but, if so, why put a stopper on the rest?

This memorial then goes on to speak of "States groaning under debts, which can only be liquidated by rendering these works profitable, instead of encouraging, by *special legislation*, rival works, to the injury of those that have been made."

I answer, that in the case of those States whose works now remain unfinished, this duty makes them GROAN STILL LOUDER; and where works "have been made," *it smells of monopoly.*

The memorial then says, (strange,) "Railroads *are not* entitled to any exclusive favor, as they have not developed and unfolded the mineral resources of the country, but canals."*

Can it be possible that those highly respectable memorialists have forgotten the Reading and Columbia railroads,† which run to their city; the Mauch Chunk, which, with its branches, is 25 miles long, built for the exclusive purpose of "developing and unfolding" the Anthracite coal; and while I would not for one moment question the utility of canals, I would leave this memorial, by submitting, that railroads, if protected by Government, will, in the end, supersede them: because, in the coldest climates, they can be used at all seasons of the year.

I ought, perhaps, before closing, to notice a single other objection from another source. It is said "that some of the long lines of railways extort from Government an exhorbitant price for mail service; therefore, Congress ought not to remit this duty." This is precisely what such companies want, because you shut out a proper competition by this prohibition. Other companies are debarred from constructing roads, which would perform such service for a fair price. It is submitted, therefore, and *mark that quotation* from the memorial above-named, which says, "railroads will not be retarded more than they ought be." For the proof: Whether to retain this duty is not special legislation, for the especial benefit of any such company?

Permit me now to add two or three obvious reasons why the T or the edge rail will not yet be made.

1st. Want of capital. An investment of six millions of dollars would probably be necessary for the ordinary demand, owing to the large expendi-

* By the report of the Navigation and Reading Railroad Company, for the past season, it would seem that they have transported 218,700 tons of coal to Philadelphia, at a cost of $278,800. By the interesting report of the Baltimore and Ohio Railroad Company, we learn "that in pursuance of a proposition which was recently made to the Railroad Company, by the Maryland and New York Iron and Coal Company, which company is possessed of the requisite funds for the construction of a railroad to Cumberland, and which is anxious to complete such road in the shortest possible time, a negotiation was entered into which had terminated in a contract with that company for the transportation of a specific quantity per day of coal and other articles, for a period of five years. The terms of this contract are, that the Maryland and New York Company engage to make a railroad from the mines to the depot in Cumberland, and will furnish freight for one train of cars, supposed to transport 175 tons of coal per day for 300 days in the year; and the Railroad Company engage to transport that amount of freight, in the manner proposed, from the mines to Baltimore, *at one and a third cents per ton per mile*, a distance of 188 miles, with ten cents per ton for transportation through the streets of Baltimore; and one cent per ton per mile for 188 miles in addition, upon manufactured iron, when required to be transported in horse cars; the Maryland and New York Company to load and unload the cars. This contract is not limited to coal, but may embrace in addition, pig iron, bar iron, fire bricks, castings, and other manufactures of iron."

To show still more fully the cost of working a railroad at this low figure, here is the report of the accomplished engineer, (Mr. LATROBE:) "It assumes that three locomotive engines will be required to do the constant duty of two; each engine to be of twenty tons weight, and to draw thirty cars, carrying seven tons of coal each, making 210 tons of coal transported by each train—that to conduct the business economically there should be two such trains daily, the distance travelled daily, down and up by each train, being ninety miles. Founding their estimate on this basis, and supposing coal to be used for fuel at a cost of $1 68 per ton, the only wages or compensation for services, being for enginemen, firemen, and two brakemen; one quarter of a cent per ton per mile, being allowed for repairs and renewals of cars; and the same amount for wear and tear of road; no allowance being made for the cost of the road—and 12 per cent. being allowed for contingencies, the aggregate of cost thus obtained is 741-1000 cents per ton per mile. Upon this estimate the transport of 105,000 tons during the canalling season of 250 days—that is, two trains of 210 tons each per day, at the offered rate of 1 1-8 cent per ton per mile, will give to the company a profit of $18,722."

† Now asking you for relief.

ture necessary for proper machinery to make this kind of iron, which, after all, is supposed to be only a fiftieth part of what is required for other domestic purposes in the United States. Or where 50 tons of iron are required for common use, there is one used for railways.

2d. The manufacturers do not yet supply the demand for the merchant bar, and other irons, which are more profitable with less capital. And lastly, the distance of the mountain ores* from the seaboard, making the cost of transportation of the iron about as much as the cost of manufacture in Wales, and showing clearly that these ores will be more or less valuable, only, as railroads are permitted to reach them. It seems to the undersigned that this reasoning is conclusive. It so appears to many in the commercial capitol of Pennsylvania, (Philadelphia,) which has memorialized Congress for this repeal, and what is more remarkable, said memorial contains the signatures of eight presidents of her railways, who are doubtless anxious to extend their roads with a full knowledge of this fact. Here is another piece of evidence, in an extract of a letter from a commercial house in New York.

[EXTRACT.]

"Allow me to call your attention to an advertisement in the Journal of Commerce, by which you will observe a proposal is made by the Sandusky City Railroad Company, Ohio, for 1,600 tons of the ordinary flat railroad iron bar, of the size used by the Utica and Schenectady Company, (30 by 35 tons per mile.)

"It is a well known fact, that the expense of transporting flat bars of iron from the western part of Pennsylvania, or Pittsburg, to Cleveland, on Lake Erie, ranges from $5 to $7 per ton, while, from the Hudson river, via. Buffalo to Cleveland, it costs from $18 to $20. Now, with this heavy protection, by the additional cost of inland transportation from the seaboard, and an almost prohibitory import duty of $25, (amounting to $38 or $40 per ton.†) The manufacturers of Western Pennsylvania, (if there are any there,) are unable to supply the most ordinary wants of their own vicinity, or any of the neighboring States.

"I believe it is a fact beyond the reach of dispute, *that not one step* has yet been taken, in any part of the Union, for the manufacture of the heavy T or edge rail, with which the great roads throughout the country, in an unfinished state, *must* be completed, there being neither permanency or safety in the flat rail, where speed and heavy trains are required."

SIXTEEN HUNDRED TONS OF RAILROAD IRON WANTED.—(COPY.)

Proposals, by letter or otherwise, will be received by the undersigned, at the office of the Mansfield and Sandusky City Railroad Company, in Sandusky city, until the 15th of April next, for the above quantity of American or imported iron, in flat bars, of good quality, weighing 30 to 35 tons to the mile, to be delivered free of charge on the waters of the Hudson, at New York or Albany, or at Buffalo, at Portsmouth, Cleveland, or Sandusky, Ohio; at Beaver, on the Ohio river, or at some port on Lake Ontario, during the navigable season of 1844, and all by the month of September next, if practicable.

Proposers will please give the width and thickness of the bar, and the kind of joint, and their most favorable terms as to price and payment. Good references will be given and required, of the abilities of each party to fulfil any proposal that its officers or agents may accept.

C. WILLIAMS, *Engineer.*

SANDUSKY CITY, OHIO, *January* 16, 1844. B. HIGGINS, *Superintendent.*

* The public improvements of the State of Pennsylvania are said to be within some 30 miles of the Great Western Iron Company, where, by the alternate layers of coal, and the ore, they are best prepared for this species of manufacture. It is claimed that the article can be made at the Montour and Wilkesbarre works, on the Susquehanna, Crane works, and on the Lehigh, while in the very teeth of such a claim, is the fact, that the Reading railroad purchased English rails the past season.

† To which may be added freight, insurance, &c., from England, $5 to $8 per ton

Before assigning any special reasons which bear upon the company whose interests I more immediately represent, permit me to give one more illustration of the effect of this duty. Congress, by the act of August, 1842, imposed a duty of 8 cents the bushel, of 56 pounds, upon salt. For every 50 miles of railway from the purchasing market, where there is no water communication, which this said duty upon railway iron prevents from construction, it imposes a duty of at least 16 cents per bushel more, in the extra cost of transportation.*

I know the opponents to this remission will say, that Congress cannot discriminate; that there is an equal claim from the ship-builder, as vessels are also, common carriers, and why should not their iron be free? It seems to me that the last named class are *one step in advance* of us. They have the common element of water to run upon, *free of charge*, and are protected by tonnage duties, while by your tariff upon the rail, you say that the enterprizing and persevering citizen shall not, though he will do it at great expense, and risk of pecuniary sacrifice; and though he will confer, too, an admitted national benefit, create artificial channels, to place himself, as near as possible, on a footing with those, who daily hear the *music of old ocean's surge*, or witness the *proud steamboat* plouging the currents of our noble rivers and lakes, or who even hear the shrill whistle, and puff of the locomotive upon *iron rails, duty free.*

Once more: It is urged that to discriminate in favor of railway iron, is to favor purse proud corporations rather than individuals. I will not waste paper upon this objection. For how can railways be built but by Government, or by associated individual effort? And if individuals here are willing to assume burdens which some of the most enlightened Governments in Europe have been obliged to assume, to answer the demands of public sentiment, why should this American Government, which claims to be still more enlightened, under pretext of revenue, suck, almost, the last drop of blood, from the veins of individuals, who associate, *not from choice, but necessity*? It being well known, that the power of taking land for public use can be exercised, only, by corporations, duly authorized by the Government. My conclusions, then, are:

1st. Eleven years permission to import iron, duty free, has given railways to the richest sections of country, with the power to undersell such other sections, as were too poor to build them thus early.

2d. That while (though in infancy) railroads were beginning to unlock our hidden resources, to consolidate and unite us, while they were in a state of progress, Government steps in, and, by a change of law, arrests their completion, sacrifices millions invested under a guarantee of said eleven years' policy, to the ruin of some of her most industrious citizens.

3d. That upon this iron rail, American tariffs will have little or no effect, as it is not now made here; that the leading foreign market to England is the continent, and with all that consumption, it is estimated that one-third of her forges are out of blast, while I have shown, by a table of prices, that from 1838 to 1842, the article, though duty free, was constantly falling, (with the American consumption increasing,) and by the competition of British manufacturers, probably would have receded to its present price, ta-

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* Salt at Nashua, N. H., 41 miles from Boston, cost 40 cents, by railroad, per bushel. Salt at Fitchburg, Massachusetts, between 40 and 50 miles from Boston, cost 75 cents, by team, per bushel.

riff or no tariff; showing that the railway companies pay this duty of more than 100 per cent.

4th. That the immediate and prospective use of domestic iron for railroads, alone, probably equals the weight of the rail; consequently, every ton* of railway iron imported, makes a demand for one ton of domestic manufacture.

5th. That, in consequence of this use of the new avenues which railroads create for the development of the mountain ores, and cheap transit to points of consumption, the impulse which they give to other manufactures, which create a market for iron of qualities more profitable to make, Pennsylvania, herself, if she would give strength and permanency to one of her *great staples*, has a deep interest in the remission of this duty, till more capital, and a better preparation, exists for its manufacture.

6th. That if the object of this duty of 100 per cent. be revenue, it is unequal, and disproportionate; unwarranted by the present receipts of the treasury, and levied upon companies, illy able to bear it.

7th. That in a national point of view, railways are the best protection to our harbors and frontiers, by the facility with which troops, and munitions of war, can be transported; and therefore, in lieu of a prohibitory duty, they deserve the fostering aid and support of this Government.

8th. That no T or edge rail will, for some years, be made for 50 per cent. above foreign cost; and perhaps I may add here, that the attempt to make it in the present infancy of our iron manufacture, would probably be disastrous, unless aided by a bounty from the Government.

9th. That, independent of this tariff, giving a monopoly in travel—in ability to undersell in produce and manufactures (by cheap transportation) to every section of country which would now build railways, were this duty off, Government imposes, indirectly, for every 50 miles inland, (without water communication,) an additional duty of 16 cents per bushel above the 8 now paid, upon the poor man's salt, in extra cost of delivery.

And, lastly, that the tendency of stopping new railways, by a *preventive duty*, is to *make monopolies* of the few already finished.

These conclusions I shall endeavor to maintain, backed with many facts, which want of room will not permit me to insert here.

The reasons which your memorialists believe apply to them especially, are—

1st. They were chartered, had made surveys, and incurred much expense in various ways, prior to the act of 1842.

2d. This railway starts from the United States navy yard in Charlestown, and penetrates the richest ship timber country in New England, and will reduce the price of ship building material at that point, to the Navy Department, from 20 to 25 per cent.

3d. This line of railroad is now chartered through the State of Vermont to Burlington, will finally end at Ogdensburg, upon the St. Lawrence, and, if the *policy of Government* allows it to be completed, will be equal to 20,000 troops maintained and supported upon our northern frontier.

4th. It passes throughout the richest mineral regions in the United States, producing iron, copperas, marble, (equal to the finest Carrera,) Man-

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*By an estimate of the able and experienced superintendent of the Worcester railroad, (44 miles long,) the iron used annually for the repairs of engines and cars, alone, is 300,000 lbs. On this basis the 400 miles of railway, in Massachusetts, only consumes 2,400,000 lbs.

ganese, Kaolin earth, snow white quartz, for sand paper and flint glass, slate, soapstone, &c. And though they would be valuable with such means of conveyance, are now, many of them, worthless.

5th. It brings Boston, the metropolis of New England, within 16 hours of the capital of the Canadas, when completed to Burlington, and, by the Cunard line of steamers unites the old world with the new. And should Congress, in its wisdom, hereafter devise and mature some plan for the passage of goods,* and merchandise from the Atlantic, across the St. Lawrence, by the payment of some small transit duty,† it would give much of the carrying trade between said Canadas and the mother country to United States vessels, and to this line of railroad.

And lastly, your memorialists pray for a reduction of this duty, upon the broad and immutable principle of *equal* justice to all—*a claim*, before which, no arguments of mere political expediency can for one moment stand.

In behalf of the Boston and Fitchburg Railway Company.

A. CROCKER, *President.*

NOTE.—The amount paid for construction of railroads in Massachusetts, up to December 3, 1843, with the Nashua, was $18,583,835. The dividends received for the year ending December 31, 1843, $695,571.

Take any 20 of the railroads in the United States, including those in New England, and they do not pay an average of 5 per cent. per annum, on the actual amount of capital paid. Who are then benefitted? certainly not the stockholders, but the public.

On page 1, the Worcester road (44 miles in length) is spoken of. Its detail of furniture is 312 freight, and 24 passenger cars, and 18 engines, with more than 2,000,000 lbs. of domestic iron used. Such facts show what, probably, has not been duly considered by the iron interest, the vast consumption of American iron, from the engine down to the spike, and its *constant use*, by railways. That interest should also remember, that they cannot now supply the demand for domestic purposes, should the railroads *be allowed* to go on and finish. And that as near as can be ascertained, the amount of capital paid in for iron works, pretending to make the flat rails, (snake head, travellers call it,) will not exceed one million of dollars, while the railroad capital actually paid in, with a *large portion* of the roads unfinished, *exceeds one hundred millions.*

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*See the able report of the Secretary of the Treasury to the 28th Congress, upon this subject

† Some idea of the ultimate importance of this trade may be inferred, from the following extract from the Merchant's Magazine for January, 1844: "Length of Canada, from the Gulf of St. Lawrence to Goose Lake, is 1,000 miles; width, from north to south, on the average, 300 miles. The area is 300,000 square miles, or two and a half times that of Great Britain and Ireland. The population in 1831 was 800,000, in 1843, by estimate, 1,250,0000, about equal to Denmark."

The average value of the imports for eight years preceding, 1840 - -	6,711,941
The value of the imports for 1839, was - - - - - -	8,905,752
Average value of exports for eight years preceding 1840 - - - -	4,085,629
Exports for 1839, were - - - - - - - -	4,380,571

The shipping that entered the ports of Canada for 1838, 560,285 tons; that cleared, 424,251 tons; less than the average for seven preceding years The Ridean canal is 135 miles long from Kingston, on Lake Ontario, to the Chandieu Falls, on the Ottowa river, cost $1,000,000. The area of Canada equals New England, New York, Ohio, Indiana, Illinois, and Michigan. This vast tract of country, it is well known, can only use the St. Lawrence about 5 months in a year, and by a *liberal* provision of this sort, the carrying trade would fall mainly upon New York and New England.

13

AMERICANISM IN LITERATURE.

AN

ORATION,

BEFORE THE

PHI KAPPA AND DEMOSTHENIAN SOCIETIES

OF THE

UNIVERSITY OF GEORGIA,

AT

ATHENS, AUGUST 8, 1844.

By ALEXANDER B. MEEK,

Of Alabama, a Member of the Demosthenian Society.

CHARLESTON:

BURGES & JAMES, PRINTERS.

1844.

DEMOSTHENIAN HALL, August 8th, 1844.

On motion of the Hon. HOPKINS HOLSEY,

Resolved, That the thanks of this Society be tendered to the Hon. A. B. MEEK, for the eloquent, chaste and appropriate Address, delivered before the Demosthenian and Phi Kappa Societies, and that a Committee of the regular members be appointed to request a copy for publication.

SIR:

In pursuance of the above resolution, the undersigned Committee of the Demosthenian Society, tender to you the cordial thanks of that body, for the elegant, chaste and appropriate Address, delivered in the College Chapel, before the two Literary Societies, and request a copy of the same for publication.

Very respectfully, yours,

D. H. WALKER,
W. A. DUNN,
E. U. HARRIS,
G. C WHATLEY,
R. R. HOWARD,
} *Committee.*

HON. A. B. MEEK.

ATHENS, August 9, 1844.

GENTLEMEN:

The gratifying circumstances, attending my present visit to this community, are greatly enhanced by the polite manner in which the Demosthenian Society has been pleased to welcome my Address. In compliance with its request, which you have so politely presented, I place a copy at your disposal.

Be pleased to accept, gentlemen, an assurance of my gratitude and respect, and believe me to be

Your friend and servant,

A. B. MEEK.

MESSRS. D. H. WALKER,
W. A. DUNN,
E. U. HARRIS,
G. C. WHATLEY,
R. R. HOWARD,
} *Committee.*

ORATION.

GENTLEMEN OF THE LITERARY SOCIETIES:

The return to scenes, with which we have been familiar in early life, constitutes much of the pathos and poetry of manhood. The changes time has made in each once familiar object, the developement into new life and beauty of some, the decay, the significant absence, of others, impress us with mingled emotions of pride and tenderness. We look with a calm gratification upon the improvements that have been made; we mourn, with a patient sorrow, for those things, which, too obviously, have passed away from the earth forever. Such are my emotions to-day. You have called me back, from a distant home, over an interval of thirteen years, to the scene of my earliest collegiate life. I have come, gratefully, at your bidding, and find well-nigh all things changed about me. The unadorned edifice, in which prayer was wont to be said, and where the feeble voice first attempted to pitch its tones to the music of eloquence, has passed from the view, and this beautiful temple, with its architectural elegance, now occupies the site. The fair village, that then lay in almost pastoral quiet amid its embowering trees, has become a populous town, the home of cultivated wealth, and the mart of an active and far-reaching commerce.

But the greatest changes have occurred with those who then gave life and social pleasure to the scene. Where are the young forms that bounded in the elasticity and luxuriance of untamed feeling, upon yonder grass slope when last I looked upon it? All gone and changed; scattered through all parts of this busy, diversified land of ours. Some of them are holding high trusts in Legislatures and Congresses, winning proud reputations for statesmanship and eloquence; others fill noble places in the pulpit, and professor's chair; and I have met not a few amid the pine forests and wide prairies of Alabama, engaged in the hot-handed struggle, at the hustings or the barbecue, for this or that presidential aspirant. But alas! when I again have asked for others, I have been answered, in melancholy tones, that their names have been carved, for many a season, upon the marble of the grave yard!

One other remembrance comes before me at this hour. I see the form of the venerable individual who presided over this institution, at the period of my first entrance into its halls. Through a long life, he has devoted himself, with the love of a christian, and the capacities of a scholar, to the intellectual and moral elevation of the young men of the South. His exertions have been most nobly rewarded. Hundreds, under his guidance, have passed up the paths of usefulness, and reflected light upon the institutions of the country. He has been the foster-parent and vivifying spirit of this University. Now,—at the period to which I revert,—in the fulness of his fame, and while the sun of his life is sinking amidst

the mellowed clouds of three score years and ten, he is about to sever his connection with this institution. I remember the morning when we marched in procession to his residence, to take our leave of him. I see him standing bare-headed beneath the grove, affectionately grasping the hand of each student as we passed, and fervently ejaculating in a voice tremulous with emotion, while the tears streamed from his eyes, "God bless you, my sons!" A few years,—and the venerable patriarch was borne from the scene of his earthly usefulness to the beatitudes of the Just; but while the walls of this institution remain, they will stand a fitting monument to the memory of MOSES WADDELL.

At the same period, to which my memory now goes back, another distinguished individual shed the light of his intellect and the influence of his example, upon this community. Though his life was not spent in the quiet bowers of literature, but in the turbulent field of politics, yet he united much of the gracefulness of the scholar with the solidity of the statesman, and was ever active in the promotion of those enterprises which have for their object diffusion of intelligence and virtue among the people. Neither the blandishments of office, nor the voluptuousness of foreign courts could corrupt his republican simplicity, and he was, in all the leading features of his character, the model of an American statesman. This Georgia of yours owes him a debt of gratitude for his services in the federal councils, and not till talents and integrity, patriotism and statesmanship

are unappreciated in the land of Oglethorpe will she neglect the fame of her CRAWFORD.

Not inappropriate to the subject, upon which I propose to address you to-day, are these reminiscences of two of the most eminent men in the history of this State. They both struggled for the same end,—the elevation of the best interests of our country. The one sought to accomplish this by giving a proper impulse and direction to our political institutions; the other placed his chief hope of regeneration, in the establishment and diffusion of an elevated intellectual system. The one was a statesman—the other a scholar. Herein then we recognize, to some extent, our subject, which is to include a discussion of the influence, upon mental developement, of the physical, social and political characteristics of our country, and which I therefore call AMERICANISM IN LITERATURE. An enquiry into the modifications, which our forms of government, as well as our other peculiarities, are destined to work in that chiefest of a nation's interests, its intellectual efflorescence, can never be devoid of interest on an occasion like this, if at all philosophically conducted. There are lessons kernelled in such an enquiry for the instruction of the statesman as well as the scholar.

But, at the outset, let us look a little into the legitimate purposes of both governments, and literatures. Mankind too frequently mistake these for ends, when they are only means for the achievement of an end. They are but instruments whereby to accomplish the great design for which man was created. And what

is that? Is it to hold Congresses, crown kings, write poems, fight battles, invent steam engines, or build magnetic telegraphs? Oh no! These are but episodes in the great epic of immortality. There is a higher design, an ulterior purpose. What then is that? I repeat. For what did God make man, and place him on this revolving globe? Is there any key to this mystery of life and motion? Why do the constant generations come and go athwart this earth like the waves of the sea upon a coast of breakers? Why this ceaseless production and reproduction? For what was this great complex machinery of worlds, and centuries, and seasons, and souls,—thought, sunshine and vegetation,—life, death, resurrection,—fashioned into shape and motion, and hung out in the heaven of time? What good does it do? What end can it accomplish? Ah! these are the old enigmas, which no Œdipus has solved. Reason, revelation, only let us know that man is an immortal, ethical being, and that the great law of his nature is incessant progress,—progress to the infinite, the eternal, the omniscient, the perfect. Ever onward, never attaining! All things, when aright, move upward, unceasingly, by a great spiral revolution, to the unattainable throne of God!

This moral law obtains in this world as well as in the next. Bards and prophets, from the old countries, have foretold and prayed for a state of intellectual and moral perfection: not the wild dream of a Condorcet, but a social millenium, when between the smiling hemispheres of beauty and refinement, the world should roll round in the warm flush, the *purpu-*

reum lumen, of Divine intelligence and love.—For this we implore when we say, "Thy kingdom come!" Not only do we invoke a moral dynasty, but also an intellectual. The two must go together. God is all intellect, as well as all love! Literature, in its purity, no less than religion, is a scion of his beneficence, and one of his provisions for the redemption of man. All human institutions, whether intellectual or political, should contribute to this great law of progress. Unless they are founded upon and vivified by its spirit, they have no right to be. They are tyrannies and falsehoods and should be extinguished. In every enquiry then, as to the value or solidity of a government or literature, we should measure them by this standard, judge of them by this rule.

Bad governments and bad literatures tend ever to the demoralization of the human family. They not only retard, but roll back the wheels of progress. The old tyrannies, and their intellectual systems, were manifestations and promoters, not of civilization, but of barbarism. Radically wrong in their whole philosophies of man and life, they led upward to no glorious zenith, but lay, like stagnant oceans, weltering in rottenness and error, breathing pestilence, woe, and degradation. This, in main part, is why man, in the sixty centuries, has risen so little above his primeval condition.

But in modern times, a better philosophy of both government and literature has begun to prevail. Mankind have learned that governments are somewhat more than games or machines kept in curious motion for the amusement and edification of rulers;

and literatures are beginning to be regarded, not as the phantasmagoria of poets and dreamers, the sunset scaffoldings of fancy, but as something very far beyond that. The old secret has come out that man's immortality has already begun, and, by these things, you are moulding and fashioning him in his destinies forever.

Surely now, no enquiry can be more appropriate or profitable than whether this American government, this American literature of ours, in what they are now, and are destined to be, correspond with the principles and designs of Providence, in the creation of man: that is are they in faith with the great law of intellectual and social progression? The question is double, but it may still be answered affirmatively. In my judgment, there has never been a social organism in which the two greatest motive powers of elevation, government and literature,—for under literature I now include religion,—were more happily accommodated, or gave "fairer promise of a goodly morrow," from their reciprocal operations, than in this young twenty-six headed giant of the West. Let Sydney Smith sneer as he may, but verily this Americanism of ours, with all its physical, historical and political aspects, is destined to be, as it already has been, a powerful influence on man, and will necessarily modify and fashion the literature of the world. Literature, in its essence, is a spiritual immortality; no more than religion a creation of man; but, like the human soul, while enduring the mystery of its incarnation, is subject to the action of the elements, is the slave of circumstance. In the sense in which

we would now view it, it is the expression of the spiritual part of our nature, in its intellectual action, whether taking form in philosophy, history, poetry, eloquence, or some other branch of thought. The sum of all this, in any nation, is what constitutes her literature, and it is always modified and colored by the peculiarities about it. As the river, sliding under the sunset, imbibes, for the time, the hues of the heavens, so the stream of literature receives, from the people through which it passes, not only the images and shadows of their condition, but the very force and direction of its current. Every literature, Greek or Roman, Arabic or English, French, Persian or German, acquired its qualities and impression from the circumstances of the time and people. The philosophic eye can readily detect the key, cause and secret of each, and expose the seminal principle from which they grew into their particular shape and fashion. The same scrutinizing analysis will enable us to determine the influences among ourselves, which are to operate in the formation of our literature; as well as to decide whether it will comport with those high spiritual requisitions which, I have already avowed, should be demanded from it. Let us then attempt to see how Americanism will develope itself in Literature. We shall discuss some of its preliminary conditions first.

1. The physical attributes of our country are all partial to the loftiest manifestations of mind. Nature here presents her loveliest, sublimest aspects. For vastness of extent, grandeur of scenery, genial diversities of climate, and all that can minister to

the comforts and tastes of man, this heritage of ours is without a parallel. In its mountains of stone and iron, its gigantic and far-reaching rivers, its inland seas, its forests of all woods, its picturesque and undulating prairies, in all its properties and proportions, it might well be considered, in comparison with the eastern hemisphere, the work of a more perfect and beneficent artist. To the eyes of the Genoese mariner, the wildest dreams of Diodorus and Plato were more than realized. Seneca sang,—

"————Venient annis
Sæcula seris, quibus oceanus
Vincula rerum laxet, et ingens
Pateat tellus, Typhisque novos
Detegat orbes:"

Yet not even in the mirror of his prophetic fancy were these more than Elysian fields glossed with all their beauty and sublimity. Even the bilious British satirist, who could see no good in all our institutions, was compelled to confess that here

"————Nature showed
The last ascending footsteps of the God!"

Well nigh all this vast expanse of fruitfulness and beauty, too, has been subject to the control of civilized man. Our country has extended her jurisdiction over the fairest and most fertile regions. The rich bounty is poured into her lap, and breathes its influence upon her population. Their capacities are not pent and thwarted by the narrow limits which restrict the citizens of other countries. No speculating theorist, a Malthus, Stultz or Liceto, has cause here to apprehend the dangers of over-popula-

tion. Room, bountiful room, is all about us, for humanity to breathe freely in, and to go on expanding in a long future.—Do these things afford no promise of intellectual improvement? Are they no incitements to a lofty and expanded literature? Do they furnish no *materiel* for active, generous, elevated thought? Is there no voice coming out from all this fragrance and beauty and sublimity, appealing to the heart and fancy of man, for sympathy, utterance, embodiment? Why, it was once said, that the sky of Attica would make a Bœotian a poet; and we have seen even "the red old hills of Georgia" draw inspiring melody from the heart of patriotic genius.—Physical causes have always operated in the formation and fashioning of literature. In all the higher productions of mind, ancient and modern, we can easily recognize the influence of the climate and natural objects among which they were developed. The sunsets of Italy colored the songs of Tasso and Petrarch; the vine-embowered fields of beautiful France are visible in all the pictures of Rousseau and La Martine, you may hear the solemn rustling of the Hartz forest, and the shrill horn of the wild huntsman throughout the creations of Schiller and Goethe; the sweet streamlets and sunny lakes of England smile upon you from the graceful verses of Spenser and Wordsworth; and the mist-robed hills of Scotland loom out in magnificence through the pages of Ossian, and the loftier visions of Marmion and Waverly.

Our country, then, must receive much of the character of her literature from her physical properties.

If our minds are only original; if they be not base copyists, and servile echoes of foreign masters; if we can assert an intellectual as well as political independence; if we dare to think for ourselves, and faithfully picture forth, in our own styles of utterance, the impressions our minds shall receive from this great, fresh continent of beauty and sublimity;—we can render to the world the most vigorous and picturesque literature it has ever beheld. Never had imagination nobler stimulants; never did nature look more encouragingly upon her genuine children. In poetry, romance, history and eloquence, what glorious objects,—sights and sounds for illustration and ornament!—I have stood, down in Florida, beneath the over-arching groves of magnolia, orange and myrtle, blending their fair flowers and voluptuous fragrance, and opening long vistas between their slender shafts, to where the green waters of the Mexican Gulf lapsed upon the silver-sanded beach, flinging up their light spray into the crimson beams of the declining sun, and I have thought that, for poetic beauty, for delicate inspiration, the scene was as sweet as ever wooed the eyes of a Grecian minstrel on the slopes of Parnassus, or around the fountains of Castaly.

Again: I have stood upon a lofty summit of the Alleghanies, among the splintered crags and vast gorges, where the eagle and the thunder make their home; and looked down upon an empire spread out in the long distance below. Far as the eye could reach, the broad forests swept away over territories

of unexampled productiveness and beauty. At intervals through the wide champaign, the domes and steeples of some fair town, which had sprung up with magical suddenness among the trees, would come out to the eye, giving evidence of the presence of a busy, thriving population. Winding away through the centre too, like a great artery of life to the scene, I could behold a noble branch of the Ohio, bearing upon its bosom the already active commerce of the region, and linking that spot with a thousand others, similar in their condition and character. As I thus stood, and thought of all that was being enacted in this glorious land of ours, and wsa, in imagination, the stately centuries as they passed across the scene, diffusing wealth, prosperity and refinement, I could not but believe that it presented a nobler theatre, with sublimer accompaniments and inspirations, than ever rose upon the eye of a gazer from the summits of the Alps or the Appenines.

Such are some of the physical aspects of our country, and such the influence they are destined to have upon our national mind. Very evidently they constitute noble sources of inspiration, illustration and description. For all that part of literature which is drawn from the phases of nature, from the varying moods and phenomena of the outward world, the elements and the seasons, they will be more valuable than all the beauties of the Troad or Campania Felix. Rightly used, they would bring a freshness and spirit into the domain of high thought,

which would revive it like a spring-time return, and we might take up, in a better hope, the exultation of of Virgil,—

> "Jam ultima ætas Cumali carmidis venit,
> Magnus ordo sœclorum nascitur abintegro,
> Et jam virgo redit, Saturnia regna redeunt!"

2. These pleasant anticipations are also justified in part, by the excellent and diversified character of the population of our country. Herein will reside one of the strong modifying influences of Americanism upon literature. Though our population is composed principally of the several varieties of the Anglo-Saxon stock, yet every other race of Europe, and some from the other continents, have contributed to swell the motley and singular combination.—Coming from every quarter of the globe, they have brought with them their diverse manners, feelings, sentiments, and modes of thought, and fused them in the great American alembic. The stern, clear-headed, faith-abiding Puritan, the frank, chivalrous, imaginative Huguenot, the patient, deep-thoughted, contemplative German,—pilgrims from every clime, creed, and literature,—are to be found in contact and intercourse here. They interact upon each other to fashion all the manifestations of society, in thought or deed. The contrasts and coincidences, they present under our institutions, afford new and graceful themes for the poet, the novelist and the philosopher; and the historian will have to give us pictures of life and humanity here, such as are found not elsewhere. I need but allude, in this connection, to the existence of three distinct races of men upon

our continent, with their strongly marked peculiarities of condition, color and history. The immense rapidity with which our numbers are increasing—well nigh doubling in every fifteen years !—will produce an unexampled demand for knowledge, and act as a powerful impetus to its elevation. Already has the great and fluctuating intermixture of our population had an influence upon the English language. In no part of the world is our mother tongue spoken with such general purity of pronunciation, as in our country. The constant tide of internal emigration tends to rectify the provincialisms into which stationary communities so frequently fall. Otherwise is it even in England. The whole kingdom is broken up into dialects as numerous as her counties; and the respective inhabitants are almost as unintelligible to each other, as if they spoke languages radically distinct. Is it Utopian to expect the proudest results, when one common language shall be employed by the many millions who are to occupy this almost illimitable republic ?—But it is in the strong, industrious and wholesome character of our population, that the best hope for our national mind depends. Their habits of life will generate a *muscularity* of intellect, becoming their position and destiny. No effeminacy of thought or feeling will be tolerated among a people, composed of the choicest varieties of every race, stimulating each other to mental exertion, and accumulating wealth and power with almost miraculous rapidity and extent. Such a people, if they should have no powerful impediments, are better fitted than any other to render the world

an intellectual illumination, and to bring round in reality the poetic vision of the golden age.

3. Pass we now to the consideration of the most potent influence of Americanism in Literature: the form and spirit of our political institutions.—If there is a truth strongly exemplified in history, it is, that free governments are the best calculated of any, to promote the intellectual and moral progress of man. Of all the vast tyrannies of antiquity, how few contribute to the advancement of letters! There is not in existence a line of verse or philosophy by Chaldean, Babylonian, Assyrian or Phœnician author. Populous, powerful and magnificent as those kingdoms were, they yet stand in history like the huge pyramids of human skulls which Tamerlane erected before the gates of Damascus, great, dumb monuments of human misery and oppression. In beautiful contrast are all the free states of the past. Under their genial institutions, the arts, the sciences and the refinements of life rose into prosperity and beauty, and, like the swinging flower-gardens of oriental sumptuousness, diffused a fragrance which still floats upon the breezes of history. This is particularly true of Athenian, Roman and Italian literatures. Just in proportion to the liberty existing among them at their respective eras, was the extent, the luxuriance of their mental developement. It is so in the nature of things. Tyrannies are restrictions upon thought and its utterance. Their every influence must be directed to the suppression of those great truths of philosophy, religion, poetry and life, which are the soul and effluence of every genuine litera-

ture, and which great men, the prophets, and apostles, and martyrs of thought, are sent into the world to preach. It is true that, under monarchies, there have sometimes been glorious revelations of genius, learning and intellectual luxury, as in the eras of Augustus, Louis XIV, and Elizabeth ; yet they were either outbursts of coming or going freedom, or contained, in themselves, but little that could add to the elevation or happiness of the mass of men. How few truths, tributary to the perfect law of life, were brought to light by any, the most gorgeous of these intellectual dispensations !

But this government of ours is established upon principles more genial to the literature of humanity, than any other that has ever existed. The noble, broad, philosophic truths at the basis of our constitution, the rocks upon which our house is built, are all conducive to intellectual developement. The fundamental maxim, that all men are politically equal, which has done so much to elevate humanity, infuses into literature a new spirit, as well as into government. The man of genius now, however obscure his parentage, or humble his condition, can proudly hold up his head, in the light of the common sun, unrestricted, unabashed, by any of the miserable fictions of prerogative, and utter forth, in the emphasis of thunder, the solemn truths he has learned in the Patmos of his imagination, and which shall make all mankind feel that the propitious bend of the heaven comes equally close to every descendant of Adam. In its whole organism, our government provides for the unrestrained exercise of mind. This is the per-

meating spirit of our political fabric. The sages and statesmen who received their lessons of wisdom between the clouds and thunder, covering the Sinai of the Revolution, knew that literature had always been the truest friend of the rights of man, and they consequently provided, in all our fundamental charters, for the encouragement of the faithful instructress. Freedom of conscience, freedom of thought, freedom of speech, and freedom of the press, the essentials of literature, are the pillars of our national edifice. No other government has ever held out, in itself, so many incitements to intellectual action. There is a pervading necessity for the application of high thought to its management, in every department. About its movement there is nothing of brute force; all proceeds under the guidance of constant, indispensable mental power. That old dumb, central principle of monarchies, about which Blackstone, De Lolme and Montesquieu, were so much troubled, the absolute sovereignty, is here an active, thinking, vital essence, like the atmosphere we breathe, embracing all, yet in every man's bosom, and calling on each for the exercise of his intellectual faculties. The countless offices of our system, open equally to all, are so many spurs to enterprize. How wide and minutely diffused is the influence,—how constant, how potent! All of us are daily invoked to the discussion and decision of questions, in law, philosophy and economy, which demand, for their proper adjustment, all the learning of experience, and the profoundest operations of the mind. Universal suffrage is, in its end, universal knowledge. Democracy

is the parent of literature. Verily, under these aspects, we may apply, in an intellectual as well as political sense, to every American citizen, the bold parallel which Wordsworth draws to the Highland freebooter:

> "The Eagle, he was king above,
> And Robroy, he was king below!"

But, it has been said, that though our institutions thus hold out excellent opportunities and stimulants to intellectual exercise, they are yet prejudicial to literature proper, because of their almost exclusively political tendency. This is to some extent too true. Very evidently the greater part of our talent has hitherto been monopolized by politics. But that has been owing chiefly to the infancy of our country. In the outset of a government so peculiar as ours, so complicated and popular, in which so many arrangements without precedent had to be made, and so many apparently conflicting principles adjusted, it was natural that the talent of the country should be principally directed to the affairs of State. The shining names in our history, who had won distinction in our first political councils, became beacon-lights to guide the emulous spirits of our youths into similar careers. Both these influences have now begun to subside. Besides, nations in their infancy, like individuals, are apt to mistake the obvious and fascinating for the useful and the true. As both advance in life, they acquire deeper and wiser lessons. So far, we have rushed headlong into politics, as much from the novelty of the attraction, as from any other cause; and the intellectual stature of men

has been measured more by the number of offices they have held, than by their solid contributions to the permanent thought of the country. This is a sad error, and must die out. As we grow older, we will learn that literature is a far nobler pursuit than "the vain, low strife, that makes men mad;" and that the philosophers, historians, poets and scholars, the preachers and teachers, are the great men of the time. Politics itself can never be a science; never more than a barbarian scramble for office, unless it is purified and rounded into form by the spirit of literature. Already have other nations learned the necessity of making their statesmen out of their scholars. At this moment the illustrious Humboldt is prime-minister of Russia, and in France, we see Thiers, Guizot, La Martine and Arago, all distinguished as authors, occupying the most prominent political positions.

This spirit, at no distant day, must obtain in our country. It is not our form of government or its tendencies, that are inimical to literature. It is the public taste that is depraved, the public mind that is in error. Let these be rectified, as they are fast being, under the progress of intelligence,—before the outpourings from institutions such as this all over our country,—and literature may have a Lazarus-like resurrection in these occidental forests. Even now, if common justice were done to the authors of our country, in protecting them from the piratical and nefarious system of plunder from foreign authors; if, guided by the plainest principles of justice, Congress would allow the foreign writer, a copy-right to

secure to him the labors of his own intellect, to which he is as honestly entitled as the people of Alabama are to their cattle which may stray across the line into your Georgia; if we would protect ourselves from this "blue and yellow literature," the scum of the French and British press, which is contaminating our morals, and depraving our minds; if, in short, we would be actuated by elevated sentiments of patriotism, justice, morality and love of letters, to the adoption of an international copy-right law,—we should have the heralding of as pure and noble a literature as ever dawned upon the eyes of Pericles or Tacitus, Ariosto or Addison. But ah! the present Serbonian system is worse, far worse, in its morals and moral effects, than Mississippi repudiation!

4. Let us glance now at another aspect of Americanism from which we may hope something for literature. Our general goverment is constructed upon the principle of having as little to do as possible with the internal, domestic affairs of society. By its enumerated powers its rightful province and jurisdiction are mainly external. Consequently, after the general, and, as they may be called, incidental influences, I have enumerated, and the fact that it guaranties to each state a republican form of government, it has but one specified provision by which it can encourage literature; that is the power "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." Beyond this, the entire control

and jurisdiction of all the vast territories of intellect,—the flowering Palestines of mind,—are left exclusively to the separate population, of the several republics composing the confederacy. Each state is the legitimate and only guardian of all the great interests of knowledge within her borders. Unlike the general government, she can do every thing for the promotion of letters not prohibited by her constitution; while the former can do nothing, for which it has not an express grant of power. This leaves the destinies of education, of literature, science, and the arts, in safer and more potential hands than if they were confided exclusively to national control. In my estimation, our system of confederated sovereignties, one of the most marked features of Americanism, is peculiarly favorable to the production of a pure, earnest, life-bestowing, beauty-breathing literature. Let us elaborate a little the reasons for this belief.

It was the benevolent desire of Henry the IV., to which he was prompted by the philosophic mind of his minister, Sully, to see all the kingdoms of the earth united in peace under one harmonious government. This generous vision, if feasible at all, could only be realized under some system similar to ours. Our confederacy is susceptible of indefinite extension. The addition of new states tends but more firmly to confine the Union to its legitimate functions, and to diffuse wider, and wider, the blessings of democracy, peace, and social security. Under no other organism, could these fundamental requisites of literature, be so extensively attained. A vast

consolidated government could but ill provide for the comfort and welfare of its remote parts. It could not meet the domestic wants and intellectual demands of its diversified sections, nor proportion its encouragements to the peculiar characteristics of the people and the place. What general system even of common-school education, would extend equally to all parts of this vast and motley Union? The sun himself shines with a varying splendor upon the sands of Nantucket and the corn-fields of Alabama. In no vast, unbroken empire, has literature ever flourished. The gigantic despotisms of Asia are great Zaharas in the intellectual world. But one star illuminated the darkness of that long, wide, Chinese night,—the star of Confucius. Russia, with her teeming millions, has never struck the harp of Apollo, nor caught the glintings of the silver shield of Minerva. There they stand, in blank, grey stupendousness, like the sphinx upon the sands of Egypt, giving no answer to the questionings of intellect! So evermore with these giant consolidations. Government must come down, and shape itself to the varying conditions of men. As with us, it must have its wheels within its wheels, each one, as in the vision of the prophet, vital with a distinct interest, yet moving out sympathetically to the whole. This then becomes disembarrassed of those minute details, and innumerable complex duties, which exist in every social system, and which have to be observed and nourished before a literature can be created.

But this federated system prevents another detrimental influence of consolidated governments.—

Wherever there is a great central capital, the whole intellectual wealth of the country, whether invested in literature or politics, becomes accumulated in it. It forms a conspicuous reservoir, to which all the fountains have to flow, before they can be distributed through the land. Imperious laws are there given to the world of letters, and all other competition is frowned down and destroyed before the fashions of the metropolis. We see this illustrated in France and England. Before genius can find an audible utterance, it has to travel up to London or Paris: even such men as Johnson and Voltaire were not exempt from the necessity. They had to prune and warp their intellects to the whims of the book-pedlars and play-mongers in Grub-street, or the *Rue de la Paix*. So evermore: Every thing provincial is denounced and rejected. The best book, issued in Leeds or Manchester, in Bourdeaux or Marseilles, is consigned at once to oblivion, before the literary dictatorship of the metropolis. No good thing can come out of Nazareth; there is no divinity among Gallilean peasants. The result of all this is most pernicious. Poor genius is compelled to languish in obscurity in the provinces; the God dies in the manger; and the entire literature of the country, instead of being the large, fresh, oak-like growth of the heart of the whole people, becomes the dwarfed and noxious vegetation of a hot-bed of vice and effeminacy.

These evil influences can never exist with us. Our institutions disseminate their influence through every portion of the Union. Each State has its own capital, whence proceeds the legislation which is to deve-

lope and form the mind of its inhabitants. True, as yet, these several centres are weak and uninfluential; but, as the States swell in power, wealth, importance; as they begin to feel, each for itself, as every community sooner or later must feel, the necessity for a home literature; then the advantages of our distributive system will be happily discovered. At the least, we shall always have a number of large cities in this Union, at remote points, with equal centrifugal forces; thus preserving our literature from being concentred in one metropolis, while the rest of the country is left in comparative darkness, and the bright servitress becomes, as she too frequently has been forced to be, a vile pander to the bad passions of the enemies of free institutions.

The rivalry and emulation which must always exist among the several states of the confederacy, will be highly favorable to literature. Each state will be unwilling to be surpassed by a sister in the promotion of letters. This feeling has already given rise to the many institutions for high learning which exist in our country. Even now we have well-nigh a hundred universities or colleges, a larger number than any other country upon the globe. These are the nurseries of that genius and talent, which must blossom into beauty,—into literature. The young men of each section will not consent to fall behind those of any other in those elevated achievements, which while they shed a morning-light of gracefulness over the institutions of their country, will make their own names as musical upon the lips of history as those of Cicero or Milton, of Thucydides or Shelly. Every

one will strive to be faithful to the highest interests, the honor and dignity, the faith and lineaments, of his nourishing parent. The intellectual manifestations of each section will thus partake of the peculiarities of the state in which they may arise, its moral and physical phases, and thus our national literature, while, in its parts, it is stimulated by a generous rivalry, will imbibe an originality and freshness thereby, that will make it not unlike our national government receiving its vigor and permanence from the individual prosperity of its component sovereignties.

The lessons of history, that experimental philosopher, might be quoted in behalf of the position that belles-lettres have ever flourished, to the greatest advantage, under an associated system of small, independent States. But the illustrations are familiar, and I shall pass on, content with only pointing you to the contrast between the intellectual conditions of Greece and Italy, during the existence of their republics, and when these were extinguished in the broad expanse of consolidated dominion; as also to the history of the Swiss Cantons, the Hanseatic Towns, the Baltic Circle, and the present condition of the States of Germany. Though none of them can be compared, in excellent political arrangement, with our country, yet it is certainly a significant fact that, in proportion as they have approximated to the system of confederated sovereignties, literature, science and art have flourished in their borders. Well, then, might Sismondi, in his glowing picture of the Italian republics, a book every American should read, regret, with a deep pathos, the extinguishment of their

separate existence, as the stoppage-up of so many well-heads of moral and social refinement.

We have now taken a general view of some of the principal features of Americanism, as I call it,—its governmental, social and physical aspects,—in reference to their influence upon the developement of literature. These, it must be admitted, are highly auspicious for the future, even if, as is too true, they have accomplished but little as yet. They must work out our intellectual redemption in the long to-come, and give us a republic of letters, as vigorous, symmetrical, lovely and expansive, as its kindred political system,—as the broad theatre upon which our many millions are to move. This new literature is to be something unlike any thing of the past. It is not to be a re-production of the worn-out articles of faith, philosophy, poetry or fable of antiquity. No, God forbid! I would not reproduce here, if I could, that golden age of Augustus, nor those diamond days of Elizabeth, of which we have before spoken. No! Americanism has a destiny of its own to accomplish in literature. It has to work out a system of thought, unlike any that has gone before, and mirroring truly the new phases of humanity, of society, of government, that are here coming forth. The literatures of all other nations are entirely inadequate, unfit for Americanism. We must have a literature congenial to our institutions, to our position, to our great democratic faith. This we want exceedingly now. We want a literature not unlike that which Milton, and Marvell, and Sidney, and Harrington, and Fletcher of Saltoun, foreshadowed

in the times of the protectorate: a literature, sailing like a ship across the ocean of time, freighted with the noblest interests, the Manilla ransom of humanity, and bearing onward ever, all sails set, before the steady breezes of that old Millenial progress. Yes! Americanism is to achieve important modifications in the spirit and faith of literature. What some of these will be, it is not difficult to determine.

Is it not singular that, in the six thousand years we have been upon the earth, so little has been established in political philosophy? Few truths touching the rights or relations of man, the authority of rulers, or the best forms and essential principles of government, are of general reception even among the most intelligent and cultivated minds. The details of policy and practice are still more diverse and unsettled. Well nigh every government has proceeded upon some radically erroneous tenet. This has dislocated and disordered the whole machinery. Ours is the first that has squared its foundations according to the immutable laws of human nature. Taking for its polar-star, its watchword—"equality and justice to all," it has been enabled, in its spirit and practice, to comport with the acquisitions of sound reason. Thus our government will be able to present to the world, not only the model of a system approaching perfection, but more correct and elevated postulates and maxims in political science, than have ever before been propounded. This we must do, in justice to ourselves and our institutions. The very text-books used in our schools and colleges, and by our law students, are filled with

iniquitous sophisms and falsehoods. All other governments are bending their genius and learning against the faith and polity upon which we practice. It is ours to justify these in the eyes of the world, from the insidious as well as open attacks of our enemies, and to sow broad-cast the exalted principles of democracy, until every people, within the blue girdle of the sun, shall lift up their hands in joy upon their hills, and shout aloud, in the ecstacy of regenerating freedom. Political philosophy is, as yet, scarcely a recognized science; but I firmly believe that it is to be the destiny, as it certainly is the duty, of our country, to give to the world lessons of wisdom, in both its branches, of ethics and economy, which will do more for the diffusion of truth, and the elevation of man, than any other influence since the writings of Luther and Melancthon. The Declaration of Independence was the first star of the morning, but it will be followed, in the figurative language of Shelley, by its "flocks of golden bees," until the whole sky shall be luminous with truth and beauty.

Another great achievement for American genius, is to rectify the erroneous spirit of history. From the times of Herodotus to Hallam, all history has been written wrong. It has been throughout a specious and cunning defence of the assumptions of the few, against the rights of the many. Kings and courtiers, knights and warriors, Gengis Khans and Cœur de Lions,—the tyrants and murderers of mankind,—have been made to walk in stately procession, through its dramatic scenery, while the mighty people, each one more truly preserving the image of his

maker, have been treated as so many dumb beasts of burden. Instead of being, as it was first called by Dionysius of Halicarnassus, "philosophy teaching by example," it has been, example distorting philosophy. Well might Horace Walpole, in his dying hours, exclaim "Read me not history; I will believe any thing but that." Verily, the world has always been imposed upon by these lying Books of Chronicles! Look for instance, at the histories of the French Revolution. What writer has ever faithfully portrayed the spirit and incidents of that great struggle for the rights of man? All have attempted to excite our sympathies for the stolid Bourbons, and the supercilious *noblesse* of the *old regime*, and to stir our indignation against the tumultuous upheavings of long depressed humanity. Even Scott prostituted his fine genius to the miserable task of framing a distorted argument in defence of the aristocratic principle; and the *Reverend* Archibald Allison has recently strutted forth, in pompous tomes, to hurl his anathemas upon every manifestation of democracy, whether in France or America!

All this, I say, has to be rectified. The whole volume of history must be rewritten in a different spirit, with kindlier principles and a better faith. Our sympathies should be stirred in behalf of the suffering citizen, not the bloated despot: for the father toiling in the long afternoon of those days, gone a hundred years ago, to earn a scanty subsistence for his children, and not for the pampered patrician, revelling in wealth acquired only by govermental fraud and extortion. This is the spirit of our insti-

tutions, and should be the spirit of our literature. Written in this faith, what a change would take place in the philosophy of all history, and chiefly of that French Revolution! No longer should we have it depicted only as a savage outbreak of the worst passions of depraved humanity, but, what it was, in some sort, an honest, faithful, yet terrible, bloody, and dreadfully perverted struggle of an injured people to free themselves from the grinding oppressions of a long-continued loathsome tyranny. The heart sickening excesses and horrors of the time would be charged, in the main, to those who attempted to resist and crush the popular spirit. Through the whole fell, demon tragedy, we should see one benevolent purpose at work, like the memories of his youth in a bad man's heart, which would justify many acts now regarded with odium and reproach. What a different estimate, too, would be placed upon some of the most conspicuous actors in that bloody drama. Robespierre is commonly represented as a fiend incarnate. This sentence, it has recently been contended, is, to a great degree, unjust. Those who knew him well, say that in the private and domestic virtues, in amiability of character, and in strong religious feeling, he was not the inferior of any of the cotemporary leaders of the revolution. While it is admitted that he was driven, by the exigencies of the time, into many desperate expedients, over which humanity must ever shudder; yet it is contended that he was by no means the author of the long catalogue of crimes which are laid at his door.*

* Some interesting investigations, into the character and conduct of Robespierre, will be found in the Democratic Review, for April, 1844.

How the truth may be I cannot now pretend to determine; but certainly we should receive the popular versions with some critical hesitation, when we reflect that the commentators upon Robespierre and the revolution, have, with scarcely an exception, been monarchists or aristocrats. They have delighted to heap all obloquy upon him and his party, because they were the ultra-republicans of France, and would hold no middle-ground short of unqualified freedom. It is success that turns the rebel into the hero; and if those Jacobin clubs had succeeded in their effort to establish the broadest democracy, the name of Robespierre, instead of being cast out among men, as a synonyme for all that is brutal and and bloody, might even, perhaps, have been recorded in history, by these sycophantic dispensers of fame, as one of the benefactors of the human family.

To do justice to this great revolution, as well as in all the other chapters of history, is a part of the mission of Americanism. It is a noble enterprise, and, to my mind, presents a powerful inducement to the cultivation, by us, of letters. Already has a native author, of ample capacities, given us a glowing history of our own country, and of connected events in Europe, conceived and executed in the right spirit, with a genuine philosophy. Two others, inspired by the same high faith, have thrown the sunlight of American genius, over kindred provinces of history, and become honored apostles of the creed which I would inculcate to day. Already the names of Bancroft, Prescott, and Irving, are uttered by the genuine lovers of the literature of humanity, with deeper re-

gard than those of Tacitus, Livy, Hume, or Gibbon. When American genius shall, in a similar spirit, have encircled the whole field of the past; drawn out from eras, governments, and occurrences, their proper lessons of instruction; weighed, in an equal balance, emperors and peasants, conquerors and captives; and tried all by that great test of merit,—what have they done for human progress? then, and not till then, can history assert any claim to the attributes of philosophy. Oh! ever be the past brought to us in its truth, that it may guide us aright, in our wanderings through the future!

Other fields stand invitingly open, with similar persuasives for culture by American mind. Poetry, metaphysics, ethics, each and all, need accommodation to the faith and polity adopted here. In their spirit, their essence, not in their form and embellishment alone, they are philosophic powers for the promotion of the highest happiness. Hitherto they have achieved little of their proper evangelism in the world. They have stood, with the materialists of the last century, upon the external accidents of man, and reasoned inward to the soul; rather should they stand, like angels in the door of that temple, and look out through its portals, upon the blue sky and the green earth, the revolving wheels and the inclined planes, the ethical positions and relations, that are framed and energized by the out-running laws propounded in there. This spiritualism is the increasing faith of the age; and it alone is reconcilable with enlightened democracy. How it must manifest itself in the more ideal part of our literature,

I would gladly linger to examine; but we have tarried too long with these imperfect speculations, and must pass to a conclusion.

Though I have insisted that Americanism, in all its various phenomena,—in the magnificent and imperial spread of our country, its diversified climates, scenery, and productions—in the excellent character of our population, their rapid increase and extension, their hardy habits, and unity of language, faith and feeling—in the noble principles of our national constitution, and in the excellent arrangement and operation of our confederated system:—though in all this, I have insisted that Americanism is highly auspicious to literature, and that in every department of thought, there is imperious demand for the rectifying spirit;—yet I would not be misunderstood. I have little faith in American literature, in its tendencies and achievements, thus far. We have shamefully neglected alike our mission and its opportunities. A multitude of pernicious influences, chiefly coming from our social condition, have checked and thwarted intellectual developement. Some of these I have incidentally mentioned; the others need not now be enumerated. Suffice it to say, one of the strongest impediments has been the timid and time-serving spirit of the great body of the scholars of our country. Entrusted with the care and keeping of the ārk of the intellectual covenant, they have yet suffered it to be polluted by the hands of the ignorant and vulgar, and have yielded themselves to the blind infidelity, the anti-literary prejudice of the day. Shame, shame, to the faithless disciples of this great religion

of the mind! They have sold themselves and their salvation for thirty pieces of silver!—It is to her scholars,—those whom her institutions have nourished into intellectual manhood, that a country has the best right to look for the preservation of her highest interests, and they should be willing, with Gallileo, to endure solitude, poverty, derision, even martyrdom, in behalf of ths "good old cause."

Yes: the speculations we have indulged in to-day, look chiefly to the future. Come however slowly it may, a literature must come beneath these occidental sunsets. The influences enumerated, will work out an intellectual reformation, as certain as the laws of vegetation, or the going round of the daytime. When the low philosophy and material purposes, now dominant, shall have perished, as they must, before the steady progress of education; when the hundreds of scholars, who are annually poured out from our colleges and universities, shall have swelled to thousands, all faithful to the high interests committed to their guardianship; when our literary men shall appreciate properly the true dignity and nobleness of their vocation; and when our country shall feel the old necessity of employing in her councils, her philosophers and scholars, instead of the brawling demagogue and vapid dunce;—we shall have the fulfilment of the vision whose prophetic rays have touched our eyes to-day. The period may be remote, but its advent is certain. The cause of literature cannot be stopped. It is the cause of civilization, refinement, virtue, religion, human progress! Let us then abide in the faith that this coun-

try of ours, as she is destined to present to the world, the proudest spectacle of political greatness ever beheld, will not be neglectful of the other, the highest interest of humanity, its intellectual ascension; but that both shall flourish here, in unexampled splendor, with reciprocal benefit, beneath the ample folds of that banner, which shall then float out, in its blue beauty, like a tropical night, brilliant with the stars of a whole hemisphere!

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ADDRESS

DELIVERED IN COLUMBIA,

BEFORE THE

STATE AGRICULTURAL SOCIETY,

ON THE ANNIVERSARY,

BY

ROB'T. WM. ROPER,

NOVEMBER 28, 1844,

Columbia, S. C.
ISSUED FROM MORGAN'S LETTER PRESS,
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ADDRESS.

Mr. President and Gentlemen:

The objects which convene us on the present occasion are of essential importance. They involve the advancement of Agriculture with all its collateral relations—Agriculture, the first of employments, the support of life, the source of health, independence and social comfort—a pursuit which awakens the solicitude of the husbandman, kindles the pride of the patriot, absorbs the policy of the statesman, and constitutes the welfare of every community: an elevated profession, whose superfluity originates commerce, connects the social bond of the human family, and is the acknowledged standard of National intelligence and civilization. I propose to review the subject in reference to the laws which govern it, as indicated by modern discoveries and associated in its success with a system of domestic manufactures, pointing out the relations in which they stand to each other and affect the true policy and prosperity of the State of South Carolina.

The attainments of a modern age have enlightened the olden ignorant system of cultivation, and established principles which are still perfecting. No longer are precarious productions of nature relied on to supply the simplest wants of humanity, nor does the scanty culture of pastoral ages alarm with the spectre of famine. Seed is not now buried in the earth with the indolent ignorance of nomadic life, nor abandoned to vicissitudes of seasons to perfect, but Nature is carefully watched in her silent laboratory, her process detected, her monitions adopted, and rich rewards received of choicest stores. A system of careful preparation, with approved culture of land and crops is now resorted to, which renders success comparatively independent of casual vicissitudes, and the triumphs of Agriculture are attested by a proportionate increase of men and animals.

The progress of this art received its first rational impulse from the improvements of chemistry. That science discloses by analysis the elements which enter into soils and plants, their adaptation to each other, and that success depends upon restoring the fertility of soils by applying certain agents essential to reorganization.—That it is incumbent first to establish the component parts of a soil, ascertain how to alleviate its defects, and next determine the ingredients which constitute the grain, so as in culture to restore as many essential properties as appertain to each.—That the atmosphere also performs in the general process important functions by parting with its subtle gases to a renewed surface of the earth, supplying to the plant vitality, solidity, color and beauty. From this science we learn that all soils are ranked as defective, unless they contain a certain amount of calcareous matter, which enters into the formation of all grain, and that lime is a chief acting principle. This fertilizer has among the intelligent ever been known as such, but modern research elucidates its mode of action, of entering into combinations with the acids of all decayed vegetable matter, forming thereby a soluble manure. Hence in compost, its great importance as an ingredient, decomposing all matter and adapting it to the fibres of the plant. It is indispensable therefore that soils should also contain vegetable matter, or humus, to be prepared as a pabulum for plants, or where this primary vegetable constituent does not exist naturally, that it should be supplied from various sources, particularly the residuum of cultivation, or by a resort to green crops for manure, which draw the largest portion of their substance from the carbonic acid of the atmosphere and from water, and by addition of their substance enriches the soil thereby.

These are cardinal principles which science teaches, and which the ordinary classes of farmers are slow to acquire. Their tuition has hitherto been limited to a system of imitation: they have yet to become familiar with two distinct characteristics of Agriculture, the scientific and mechanical, and that success depends upon a judicious combination of both. The first, modern research is daily developing, the last, has from time immemorial been practiced, embracing the usual routine of ploughing, listing, hoeing and ditching. These are all indispensable aids, but without restoratives, prove as pernicious to the soil as the constant exercise of the muscles of a robust frame when all nourishment is denied to the stomach.

The scope of this address does not permit me to enlarge upon particular systems of Agriculture. My purpose will be accomplished by instances of the success of a scientific system. Our country can furnish but isolated examples of its effects, for as yet no permanent plan of State survey has in all its departments been undertaken and pursued. We must look abroad for facts, for confirmation of its benefits to those densely populated countries where attention to agriculture becomes an object of national existence, where the increase of a single bushel per acre is regarded as a highly important consideration, where due estimation is placed on the economy of time, labor and expense of culture: where the action of manures whether vegetable, calcareous or mechanical, is carefully scrutinized, where annual reports are made into their mode of application, and manner of counteracting effects of drought or excessive wet, and contributing under all circumstances to increased production.

To collect and improve such facts, embracing the general advance of agriculture throughout England, Lord Spencer founded a general Agricultural Society, similar to this now engaging our care. This Society has tended to most salutary results, and given rise to the establishment of county societies, which have instructed and stimulated the Farmers, and been the means of gradually increasing the grain crop from nine to fifty one bushels the acre. Proof of these extraordinary results is afforded by the fact, that between 1801 and 1841 the population of Great Britain has increased notwithstanding emigration, from 10,300,000 to 26,800,000, and that these enlarged numbers have been sustained principally by the augmented productions of improved agriculture.

Mr. Pusey, conductor of the Journal of the Royal Agricultural Society of England, says the average produce of wheat in England is only 26 bushels per acre, and that if this quantity could be raised to 27 bushels, it would add 475,000 quarters, or increase the nation's income £1,200,000. In Scotland, where fifty years ago wheat was scarcely grown, the product in some places has averaged 51 bushels the acre. And in France, by the aid of chemistry, wheat growers have succeeded in doubling the product of their lands, and in that kingdom they annually harvest more wheat than is grown in Great Britain and the United States. "La Voisier, the French chemist, cultivated 240 acres of land in La Vendee on chemical principles, to instruct the farmers, and his mode of culture was attended with so much success that his crops produced a third more than by the usual mode, and in nine years his annual produce was doubled."

These are examples from which we must receive instruction and see the necessity of promoting Agricultural science. Such an auxiliary places in the road to success, and if aided by an interchange of opinion by frequent intercourse among Farmers, by Societies, Exhibitions, Premiums, Periodicals, and Newspapers, collecting, analyzing, and disseminating every fact, speculation or improvement, we may then exult in the advance of the all important cause of Agriculture.

But one exclusive pursuit can alone never secure national greatness. Agriculture must be stimulated by emolument, and emolument must proceed from diversified industry, which ample provision, by aid of skilful culture, can alone afford time and means to indulge. The exchange of such industry gives life and activity to enterprise, and an unembarrassed market becomes the desideratum of a business population. By a perversion of sentiment and sound policy, interests which derive their existence from agriculture have been too often made to present antagonist positions thereto, and disturb the political and social relations of society. In consolidated governments, one calling is frequently rendered tributary to others, and whole sections of country compelled to endure privations and impositions, under plea of effecting results, which the sanguine or interested maintain will untimately tend to the prosperity of a whole community, but which if a free and matured reciprocal course of trade was awaited, a more permanent foundation of prosperity would be laid, and result in mutual

ad protracted advantage. Unhappily, we pine under such a selfish governmental policy, hich will compel to a course of conduct adverse to our wishes, foreign to our practice, calulated to establish selfish limited relationships, leading either to defensive, economical pracces, or to an enlarged diversified system of labour, which ultimately will mar the prosperity f those whose short-sightedness and cupidity may drive us to an unsought rivalry. Intiately connected with our future agricultural advancement is the necessity of examining he position we may be forced to occupy, to avert mercenary fanatical combinations, and rrest the downward tendency which depresses this State. We will proceed to trace the equel.

Husbandry, up to a comparatively recent period, has in the United States been ever conucted on principles of reckless extravagance, attesting the thoughtlessness of human charcter. Where abundance prevails, inconsiderate waste is a usual concomitant. The ramped and impoverished European beheld in the New World the existence of boundless orests and illimitable space, which the skies alone seemed capable of encircling, and he beame excited to eager curiosity, and greedy cupidity. The woodman's axe and ploughman's furrow soon lacerated the primitive surface, and vast territories resounded to the crash f stately trees, the growth of centuries and the pride of nature. Affrighted herds, hitherto lmost unconscious of the tread of man, fled from the beams of refulgent day, and sought in leeper recesses a more secure retreat—section after section became speedily occupied and leserted, while no pang of remorse smote the heart of the desolating wanderer. Abandoning his humble log hut, scarce discerned among belted leafless trees, where no effort of industry or taste kindled one pleasing reflection of the past, or conjecture for the future, with indifference he collects a few moveables, and commences another wandering march to perpetrate new enormities on some other blooming virgin soil. Thus has our country been literally laid waste by the insatiate occupancy of land, till hordes of a border population are now opening a prospect upon the broad Pacific. That mighty confine will roll back the tide of population to its first springs. Already the early swell of a recoil is being felt and will continue. I hail the investigations of agricultural science as one evidence of its influence—and behold another furnished by the migrating population of Pennsylvania, and the eastern states now concentrating on Virginia, occupying deserted habitations and improving abandoned fields which presented melancholy chasms to the way-worn traveller.

Strong and natural inducements will constantly be at work to promote this reaction. In a country like the United States, where wealth and consequence are open to every aspirant, and become the reward of genius, where an extensive and fair arena is free to all the world, the facilities offered by the older states must stand pre-eminent. There the advantages of a liberal education may be obtained. Society with its refinements weaves a light but tenaceous web, luxury presents its allurements, and an enlarged sphere of action is afforded by the demands of civilization, to new and countless sources of industry. The tie of old habits and feelings, broken only by the relentless gripe of poverty, become again united with better fortunes, and rising elastic from the conflict, the emigrant would once more participate in the triumphs of success.

The influence of these considerations is beginning to be of frequent occurrence, and our State would exhibit sound policy in turning back her wanderers, and rendering home so dear as to banish every inducement to escape from a father land. To accomplish this, it is highly important to scrutinise our habits, feelings and resources, and divested of self-sufficiency, and absurd ignorant pride, have the independence and sober sense to ascertain our deficiencies, and by comparing our wants and prospects with those of other states, ascertain our relative position in the body politic, and mark out and pursue a future line of policy.

The early agriculture of South Carolina was principally confined to domestic supply. Her first articles of export were lumber, tar, turpentine and peltry. Indigo, rice and cotton, were afterwards introduced, became staple commodities, and yielded large sources of wealth. Indigo has been superceded by a better foreign article. Rice from favorable circumstances will probably remain a permanent culture. And cotton, once our wealth and pride, can continue so no longer: a fairer bloom opens on other lands, and every day imparts a more ominous warning that the sceptre has departed. An investigation into these facts will lead me into the salutary but unseductive records of statistics.

The wide extent of new country opened to the culture of cotton, must force us to yield the palm to more youthful competitors. The three gulph states, Louisiana, Mississippi and

victim under the enervating influence of the tepid bath. The capitalist, craftily availing himself of this direction of trade, and aware of the value of the home market, has secured a monopoly, under patronage of government, and revealed a conspiracy against us, presenting a changed issue to the whole subject. South Carolina awakens, conscious of the fact that she has languished too indulgently in a fatal system of dependence, and must now escape from a faithless venal embrace. Pride, character and safety, are involved in effecting a release, and to show the necessity, I will but glance at our sacrifices.

The Cotton crop of South Carolina is estimated at 61,710,274 lbs. valued at six millions of dollars. The Rice crop at 80,000,000 lbs. worth two millions, making an amount of eight millions of dollars, the exported agricultural product of the State, lumber, tobacco, and some few articles may swell the total to half a million more.

Against this aggregate of eight and a half millions, we have to bring an importation of $8,640,000, independent of amounts distributed through Georgia, Alabama, Tennessee, and North Carolina. Among the items of expense are $260,000 for Flour, $150,000 for Corn, $128,000 for Oats, Peas and Hay, $585,000 for Bacon, Lard and Butter, $1,775,000 for Mules, Horses and Hogs, $1,081, 709for Shoes—Dry Goods considerably exceed a million, besides large sums for Northern Hardware, Machinery, Building Materials, Lime, Granite, Carpentry, Equipages, Furniture, Hats, Beef, Pork, Fish, Baskets, Pails, Brooms, and a thousand other articles, too tedious to enumerate; near a million is also expended by travellers and absentees. This summary establishes that we expend more than we make, and consequently the State languishes under an incubus, which will require a strong moral force, independent of activity and industry, to remove. And in advancing these facts, far be the imputation that I would derogate from the merits of those who are reaping the just rewards of industry, enterprise, and economy, human nature is tempted to envy, but a gallant spirit will be evinced by emulating such virtues and success.

The policy of the North exhibits a totally different result from the statements just given. The Census of 1840, shows that in each of the non-slaveholding, or Northern States, the relative force employed in Agriculture, compared with their total population, not only furnishes ample subsistence for all classes of the community, but by an excess enables them to export provisions. That with regard to incidental wants, and positive pursuits, adequate numbers are allotted, sufficient to combine a manufacturing with an agricultural system, making the success of each incidental to the other. Some remarkable developments establish the practicability of the plan, as I shall endeavour to illustrate, by comparing Northern with Southen adventure.

By the Census, it appears that the ratio of numbers engaged in Agriculture, compared with the entire population in each State of the Union, varies but from one individual in $2\frac{3}{4}$, to one in $4\frac{1}{2}$: thus Rhode Island and South Carolina, have one individual in $2\frac{3}{4}$ engaged in Agriculture, and Ohio, one in $4\frac{1}{2}$, the other States ranging within that compass. But when the numbers engaged in Agriculture are thrown off, and those engaged in trades and manufactures computed, compared with the whole population, it becomes immediately apparent, how varied are the occupations of the North, how their mechanical force preponderates over the South and West, and how purely agricultural are the pursuits of the latter. Thus Rhode Island, as has been stated, with but one individual, in $2\frac{3}{4}$ engaged in agriculture, has one in five employed in trades and manufactures, and South Carolina, with one in $2\frac{3}{4}$ engaged in agriculture, has but one in 57 employed in trades and manufactures. To make the statement more glaring, I must attach a compendium at the hazard of prolixity, and proceed to state that Massachusetts has engaged in trades and manufactures one in $8\frac{1}{2}$, Connecticut 1 in 11, New Jersey, 1 in 13, New York, 1 in 14, New Hampshire, 1 in 16, Delaware, 1 in 19, and Maine and Vermont, 1 in 22,; Whereas Georgia, employs in the Mechanic Arts, but1 in 86, Arkansas, 1 in 83, Alabama, 1 in 82, North Carolina, 1 in 52, Tennessee, 1 in 46, Louisiana, 1 in 40, Kenucky and Indiana, 1 in 13; the other Western States gradually decreasing in the scale. From this it must be apparent to the humblest capacity, that the South and Western States which have been demonstated so deficient in trades and manufactures must be to the amount of their several wants dependent some where for supply, oraccording to the schedule of Georgia, has but one mechanic in 86 inhabitants, and Massachusetts, one in every 8, and South Carolina, one in 52; then Georgia and South Carolina, according to their requirements, must be in that proportion, tributary to Massachusetts or elsewhere. When we embrace all

the South and South Western States in this dependency, and call to mind that their products are only Cotton and Grain, both of which must seek a distant market, conviction must flash upon every Southern man, that for his country, a new order of things is necessary.

No patriot or citizen of the South, can but feel humiliated and provoked, under such a condition of things, or maintain that he is free. What is freedom? Is it that right of listless indolence which the savage, the dotard, or the inebriate enjoys? Is it the right of locomotion, to wander over all the earth, and return whence we came more wretched, impoverished than before? Is it the right of expressing particular opinions in politics, religion, or any other subject? We enjoy all these: we squander our time, roam unchallenged, and exercise the right of thinking, speaking and acting, even to licentiousness. But I maintain this is not freedom still. As long as we are tributaries, dependent on foreign labour and skill for food, clothing, and countless necessaries of life, we are in thraldom. We can only be independent under the influence of just laws by industry, by the exercise of our intelligence, and by improving the advantages our country offers.

Thus have I attempted to demonstrate our waning fortunes, our dependance and prostration. The question can naturally be proposed, what is the remedy? A response may come more readily from the politician. Southern oppression is sensibly felt, and has been ably pointed out. By constructive interpretations the constitution has been stretched to cover every encroachment, but the drapery cannot conceal the feet of the image. There are constitutional means of redress or alternatives. It would be out of character in me here to attempt to define them, but until some remedy is granted, we must use all the palliatives in our power. I speak as an agriculturalist, and wish you not to suppose I for a moment forget my proper subject. I say we can refuse to feed the oppressor. As agriculturalists, an important responsibility devolves upon us, and by somewhat of a change of habit it can be redeemed. One great error amongst us is, that we plant too much, and farm too little; another, that we do not use a judicious economy in applying superfluous plantation labour to the necessities of our own requirements, to our domestic wants, to the making of our own negro clothes, shoes and plantation implements. We allow the negroes to become an expense of more than two and a half million of dollars for clothing, corn, bacon and tobacco, and their plantation implements.

This drain can be avoided. Abstract from field work, a few negroes, principally the old and young, or those partially disabled to fabricate the articles just enumerated, and assume that the value of these articles, heretofore purchased out of the proceeds of the crop is saved, here will in addition be so much supplied, constituting the proprietor doubly a gainer, as he has saved and made. Or let it be granted that the crop may be slightly diminished by withdrawing from tillage some inefficient hands, still a trifling proportion will be maintained between the aggregate gain or loss. If in the gradual development of this defensive plan it be found advantageous to the State to manufacture, the inhabitants of the upper districts possess the capabilities to do so, the falls of the rivers are with them, and they may assume to other portions of the State, the present position of the North, supplying multifarious commodities, and diffusing and receiving reciprocal advantages. In making these suggestions, I point out to our upper countrymen a road to fortune. They can grow wheat, hay, grain, and raise stock, and may always find as good a market at home, as does the Kentuckian amongst us, and thereby, to a certain degree at least, remove exactions which press heavily, and commensurately advance thereby the general prosperity. The middle and lower sections of the State must remain essentially agricultural. By such developments, the farmer will learn that domestic manufactures, sectionally stimulates agriculture, in promoting the raising of stock, grain, hay, butter, cheese, bacon, flour, and all those supplies required for a class, removed from the tillage of the soil. These results have been demonstrated in Spartanburg, and around many of our large manufacturing establishments. The effect of this diversity of labour has been to extend competence among the neighboring people, to improve their morals, intelligence, and education, and establish a more respectable order of society. Dependent upon such a state of activity and industry, will be a consequent internal improvement exhibited in living, in improved roads, or construction of rail roads. Nor let it be lost sight of, that such a new order of things will place us in a state of preparation against all the chances of war, and release from a position where at any moment by supplies withheld, an enemy might cut of our means of subsistence, whilst his arms completed a melancholy catastrophe. Such are some of the expedients to avert Tariff legis-

lation, to mitigate its stings, to remove its oppression, to build cities and villages within our own borders, and be truly an independent State. If South Carolina should be compelled to divert any of her capital from agriculture, we need not despair. No State in this confederacy is more adapted to manufactures than herself. Her numerous rivers, with their tributary streams, all furnish powerful and extensive water privileges. Her climate is congenial, and a valuable material furnished for manufactures at the very doors. A productive back country yields the means of cheap supply; a highly improved road passing through the centre of the State, communicating with the far west, presents facilities of trade, while our pine land settlers offer a source of available labour. Our citizens have not been altogether oblivious to these natural advantages; they are beginning now to think seriously, or if I may be allowed the cant phrase of a thrifty people, "to calculate" their own chances of success. True, indeed, we are late in entering the contest, but we will have the experience of those who have preceded us, and may avoid their errors while we profit by their success, and may remedy our diesase on the homoiopathic principle, similis similia similibus.

Mr. Mayrant of Sumpter, was the first individual who attempted to introduce a Cotton Manufactory into the State. It was propelled by mules, and from irregularity of motion, proved a failure. An intelligent mechanic of Kinderhook constructed the machine, and had the candor to acknowledge, that negro agency in the spinning department, was equal to any other he had known, and that negroes were fully capable of being made excellent spinners.

Since this primitive effort, or since 1833, fifteen cotton and three small woollen mills, propelled by water power, have been in operation, together with four iron factories. The cotton mills now drive 16,355 spindles, requiring the labour of 570 operatives. They work up 1,962,000 lbs., or near 7,000 bags of cotton into 1,746,714 yards of Homespun, and have put an invested capital of $617,450. The Bivingsville Cotton Manufactory, with 1500 spindles, works upon an average 600 bags of cotton per annum, and adds $50,000 value to the raw material. The Iron Foundries employ 248 men, with a capital of $113,000, and distribute throughout the country near $280,000 worth of carron ware, nails, and bar iron. The South Carolina Iron Manufacturing Company, produces $70,000 worth of iron, turned out in bar iron-castings and nails, employs 80 hands per annum, operates at a cost of $44,000, and yields $26,000 profit to the stock-holders, and in addition, furnishes a market for 5000 bushels of corn. The corporations of Spartanburgh, with Nesbitt's, buy of the Farmers, 15,000 bushels of corn. For these facts, I am indebted to the excellent Speech of Major Henry, on Productive Corporations.

Leather forms one of our most extensive branches of internal commerce. A capital of $257,682, is invested in its various branches, while 97 tanneries, employ 281 men. The value of leather made is about $468,829, and that manufactured into Saddlery, &c. $109,472, making $578,301. Much of this sum however, goes abroad for the value of the raw material. All these factories consume about 70,000 bushels of corn and wheat, with a proportionate quantity of beef, pork, and other essentials of subsistence.

Northern villages have sprung like enchantment into being from their system of manufactures, and the planting or farming interest received commensurate advantages, the product of bread-stuffs and provisions have become stimulated, and the price of land enhanced. In no State has agriculture and the price of land increased, more than in New Jersey, and according to her population, she is one of our largest manufacturing States. In the Western part of New York, in Ohio, and the larger and Western States, are many Woollen factories, which consume all the wool raised by the Farmers around them, who are in turn supplied with clothing adapted to their wants. These companies command the products of their immediate neighborhoods, are independent of legislation, and require no protection. The aggregate manufactures of these isolated establishments throughout the West, are estimated to amount to more than those of New England.—*Herald.*

Such facts should direct attention to Sheep Husbandry. To this department of agriculture, little attention has been paid. We number in the State but 232,981 Sheep, and cut 299,170 lbs. of Wool, while Vermont, with a population of 300,000, raises 1,631,000 Sheep, and cuts 3,699,000 lbs. of Wool. Of the congeniality of our State, and bordering Southern States, to the production of Wool, I would draw a favourable conclusion from relative circumstances, and would refer to historial facts, narrated before Congress by Mr. Collamar, of Ohio. He says that "in 1826, a deputation was sent from New Jersey, to Saxony, to purchase

Sheep, which bore the celebrated Saxony Wool, and they brought out a number to this country. They were tried in Vermont, but found too small and weak to stand the severity of the climate, but in New Jersey, Pennsylvania, and other States farther south, they did very well." The mountainous climate of Spain and our own is similar, and as fine quality Wool might be grown in Pendleton, Greenville, Spartanburg and neighboring Alleghany Mountains, as on those of Estramadura. If we trace the introduction of this peculiar breed of Sheep, now called Saxony Sheep, into Germany, we will derive additional encouragement. Mr. Collamar continues, "in 1794, a small flock of fine Wooled Merino Sheep was sent as a present by the King of Spain to the elector of Saxony, whence the entire product of Saxony Wool, now of such immense value.

In 1809, the pressure on the Spanish Treasury, during the invasion of the French, led to the sale of some valuable crown flocks. Our Consul, at Lisbon, Mr. Jarvis, obtained permission to purchase and export 1400 of those rare animals to America, which were distributed throughout the North, crossed with the native Sheep, and produced the first specimen of fine Wool in the United States, save that Mr. Livingston obtained a few Sheep of the Spanish breed as a present, in 1792. The wool of Spain has long been imported into England for the manufacture of fine cloths, and fifty years ago, there was not a pound of Wool made in Great Britain, or in any country in Europe, except Spain, fit to make the coat of a gentleman. George III. tried the experiment of raising Merino Sheep in England, but did not succeed; 47,785,000 lbs. of wool are now imported into England, the larger portion of the finer quality from Saxony. In England, they have three breeds of Sheep, the Bakewells, the Cheviots and the Southdowns, all long wooled, of which a fleece yields on an average from 5 to 8 lbs., but no cloth is made of this material, being all employed in worsted and coarse goods. Such examples of humble beginnings, conducing to such important results, might excite emulation, and in due time, we also, be clothed with the habiliments of successful industry.

Deficiency of capital, is sometimes urged as a drawback to our success, but let the political agitation of the State be once settled, capital will quickly come forth from its lurking places, and awaken every thing to life and vigour. Capital is like an icy virgin, it shuns tumult and war, and rejoices in law, order, and security. When our excitements shall have terminated, and our State's rights be established, the facilities of the country for improvement will invite capital and workmen, and we will again begin to prosper.

In every country, Agriculture, Commerce and Manufactures ought to be maintained; they constitute a bond of connection to the community, affording a more wholesome direction to investments. Works of national improvement and utility, ought to command the resources of an enlightened country, and become their care, their pride, and their support. Bank Stocks should not lock up too much of our money, and under present aspects, it may be pernicious that so pervading a propensity exists to investments in lands and negroes, to grow rice and cotton, and they in turn, reinvested in lands and negroes. Under most favorable circumstances, such property is incapable of being readily converted into active capital, and the precarious dependance of a crop is too often relied on, to meet all contingencies of debt and family support. The votary of wealth under such a system, exists in a state of anxious apprehension, sometimes of self-denial, whilst even in the midst of accumulating possessions. Often a cashless condition compels to stifle every generous impulse which might prompt to the patronage of the arts, or those scientific and liberal institutions which denote the prosperity, refinement and glory of a nation. In fact, the Planter too often lives poor to die rich, and when death claims his victim, hard earned accumulations are distributed among children who inflict upon themselves a like penance to result in similar privations. This is no fanciful picture. Where amongst us can be pointed out such fortunes amassed by individuals, as are accumulated in communities where agriculture, manufactures and commerce are combined, where to acts of individual munificence, to public institutions, as distinguish Great Britain, or the New England States? On the contrary, under a purely agricultural system, we are constantly under whip and spur, though jaded and exhausted. The changes and fluctuations of the times, require a flexibility of occupation, and our State must vary her pursuits. Then at once will be called into action new sources of employment to various classes of the community—a diversified order of intellect will be required in the capacity of Merchants, Engineers, Clerks, Seamen, Millwrights, Tradesmen, Superintendants, Labourers, &c. And might I not conjecture, without deroga-

ting from the dignity or genius of the learned professions, that a goodly number might be spared the honourable poverty and towering ambition of such pursuits, to participate more surely in fortune's favours. Many a poor planter also, might find his circumstances improved by employing himself, and perhaps his few hands, in some more lucrative calling, than reaping a scanty subsistence after a year of toil, and too often of blighted hopes.

The men of the South have been lauded for their munificence and chivalry, but never for their thrift, and whilst listening to the syren voices of flattery, wily tempters have carried off the substance. But our people should now learn the reality of their position, and embark upon a broader stream of fortune than that they have hitherto floated upon. They may be assured that dependance upon their own efforts will alone aid them, that the restrictive or protective policy of the government is firmly fixed, and no considerations of feeling, no proud bonds, which past sufferings, past triumphs and future hopes, should have consecrated, will arrest one hour's pressure of the firm knot, which mammon himself has tied. Alas, that experience should have instilled this conviction, inculcated in such bitter anguish, loosening ties of paternal feeling, and banishing from memory every enthusiastic reminiscence. But we will not slumber under this vampire process, attempted to be disguised by legislative legerdemain; we will throw off the incubus, struggle with more practiced art, and manifest a determination never tamely to submit to the fate intended us.

Our State is rich in vegetable and mineral wealth; the surface of the country presents every aspect, from the alluvial swamp to the granite mountain, from the arid pine land, to the fertile mould, whence spring the umbrageous oak and hickory, with a varied climate corresponding to these locations. Besides our present staples, Silk may be manufactured, the culture of Indigo may be resumed, at least to dye our home manufactures, the culture of wheat may be greatly extended, whilst products of the torrid zone may be acclimated and yield their luscious fruits. Superficial examinations of sections of the State prosecuted by Dr. Blackburn, Dr. Cooper and Mr. Vanuxem, have given flattering promise of mineral and geological treasure. Thirty species of minerals and ten of rocks have been collected. The Iron of York and Spartanburgh has been tested at the Navy Yard of Washington, and awarded priority above all other qualities found in the United States. Other ore is found in Abbeville and Pendleton. Marble of variegated colours may be furnished from Spartanburgh. Limestone may be burnt cheaply and in abundance in Spartanburgh, York and Pendleton. Gold with luring promise invites the sanguine digger to Spartanburgh, Lancaster, Union and Abbeville. Iron pyrites, from which sulphur may be obtained, and copperas also, is discovered in York, Spartanburg and Abbeville. Lead ore is found in Pendleton, Greenville and York, while granite of various qualities is abundant in many of the upper districts.

Whilst nature presents to our mountain districts these rich and glittering treasures, she has based the country below the falls of the rivers upon a calcareous formation, which, when spread upon the surface of the soil, imparts exhaustless fertility. This formation is marl, and consists, according to Jackson, of a variety of clay, containing carbonate of lime. The Report of our late Agricultural Surveyor, Mr. Ruffin, has imparted a mass of information on this manure, which has kindled a spirit of inquiry, and given an impetus to the agriculture of the country, resulting in incalculable value.

To improve these prospects, we must avail ourselves of the proper means, employing competent instructors. We must have Agricultural and Geological Surveyors, pioneering in the march of improvement and searching out the riches of the land. We must have Agricultural and Geological Professorships in our colleges, and lectures on these subjects delivered throughout the country, as now practised in Scotland, carrying information to the cottage of the husbandman, and removing the impression that agricultural knowledge is intuitive. All intelligent and populous nations are now investigating the capacity of their soils, and employing the ablest Chemists and Geologists to analyze and instruct in the means of restoring the effects of exhaustion, or correcting deficiencies of structure. In England, Agricultural Surveyors are appointed to every county, and improved reports rendered every year. France, Germany and Switzerland, have become prototypes, and even Russia is cheering her chilled soil by the warm and invigorating process of scientific culture. Most of the States of this Union have made superficial examinations within their territories, and South Carolina has but just commenced a similar investigation. I trust that no sectional jealousies or impatience of expected results will induce an abandonment of the measure. The in-

vestigations are yet incomplete and under progress, and consistency as well as our own advantage will, I hope, prompt to a continuance. The end of all government is at last but individual fruition and security, and in this enlightened age, these must be promoted by Science. Permanent or increased population is a test of success, and in a population like the United States, with an insatiate propensity to change, and South Carolina having so much to contend against, every source of employment should be laid open which could engage capital, yield employment, retard emigration, and advance the power of the State. I look to the results of this survey as tending materially to this end, and would press it upon public regard.

Indeed I experience a personal attachment to this measure, and would indulge a gush of feeling in addressing an appeal to each member of the Legislature for this cherished hope. Whilst an honored associate and co-worker with you, I encountered by the way side this wretched foundling, feeble, friendless and exposed to the contempt and obloquy of a thoughtless multitude. I regarded its condition, was struck with its comeliness and promise, fostered it in distress, and by your partiality and kindness, conferred on it a local habitation and a name. Now, that the foster father is removed to private life, and can no more in the rude assaults of enemies, defend and protect the unhappy bantling, to your sympathy and generous care I consign the poor orphan. Receive with favour the Agricultural and Geological survey of the State, continue your care—cherish and support, be its guardian and prop. It is now young, but promising, and will not fail at maturity to reward your nurture. Individual fortunes may yet be derived from it: like many an orphan, it may bring the blessings of heaven on the heart that pities, the charity that befriends, and become a crown of glory to the land where its honor dwelleth. And now gentlemen, breathing one aspiration for the advancement of my native State, and a God-speed to the efforts of this Society, I offer my thanks for your attention, and bid you my grateful adieu.

APPENDIX.

Expense on the Negro Population.

Corn, 300,000 bushels purchased at 50 cts. - - - - - - -	$150,000
Bacon, to ½ the negro population say 81,750 negroes, 2 lbs. each per week, at 4½ cts. per lb. - - - - - - - - - - -	382,590
Tobacco, to ½ the negro population, say 163,000 at 12 lb. per annum, deducting 51,519 lbs. raised from 1,956,000 lbs. consumed, - - -	114,286
Clothing, $6 13 to an adult, $3 06 to a child, average $4 60 to 327,000 slaves, - - - - - - - - - - - -	1,504,200
Shoes, to ¾ the negro population at $1, - - - - - - -	252,000
Plantation Implements, to 163,000 negroes, at $1 10 to each per annum,	179,300
	$2,582,358

Usual Clothing to a Negro.

6 yards Woollen at 55 cts. per annum, - - - - - - - -	$3 30
Needles, Buttons, Thread, Trimmings, - - - - - - - -	12
6 yards Summer Homespun, at 10 cts. - - - - - - - -	60
Needles, Thread, &c. - - - - - - - - - -	12
1 pair of Shoes, - - - - - - - - - -	90
1 Blanket in 3 years ⅓ cost per annum, at $40, - - - - - - -	83
1 Hat, Cap, or Handkerchief, - - - - - - - -	25
	$6,12

Usual Food to a Negro.

Corn, 12 bushels per annum, at 50 cts.	$6 00
Salt, 12 quarts " " 1 ct.	12
Bacon, 2 lbs. per week or 104 per annum, at 4½ per lb.	4 68
Tobacco, 12 lbs. per annum, at 6 cts. and Pipes,	72
	$11 52

Plantation Implements.

1 Axe in 3 years, at	$16	or per annum,	$1,33,	44
1 Spade "	12		1,00,	33
1 Hoe "	12		1,00,	33
				$1 10

Produce of Grain in South Carolina.

Indian Corn,	14,722,805
Rough Rice,	3,080,000
Wheat,	968,354
Barley,	3,967
Rye,	44,738
Buckwheat,	72
	18,819,936
Produce of Oats,	1,486,208
Produce of Potatoes,	2,698,313
	23,004,457

Ratio of numbers engaged in Agriculture, Trades and Manufactures, compared with those engaged in Trades and Manufactures alone, in the North and South.

	Agr. Tra. and Man.	Tra. and Man.
Rhode Island,	one in 2¾	one in 5
Massachusetts,	" 4¼	" 8½
Connecticut,	" 3½	" 11
New Jersey,	" 4½	" 13
New York,	" 3¾	" 14
New Hampshire,	" 3	" 16
Pennsylvania,	" 6	" 19
Delaware,	" 3¾	" 19
Virginia,	" 2¾	" 19
Maine,	" 4	" 22
Vermont,	" 3¼	" 22
Ohio,	" 4½	" 23
Kentucky,	" 3½	" 33
Indiana,	" 4	" 33
Illinois,	" 4	" 36
Lousiana,	" 4	" 40
Tennessee,	" 3¼	" 46
North Carolina,	" 3¼	" 52
South Carolina,	" 2¾	" 52
Alabama,	" 3	" 87
Arkansas,	" 3½	" 83
Georgia,	" 3¼	" 86
Mississippi,	" 3¼	" 90

Ratio between Population and Capital engaged in Manufactures.

	Population.	Capital in Man.
New York,	2,428,921	$55,252,779
Massachusetts,	737,699	41,774,416
Pennsylvania,	2,001,566	31,815,105
Ohio,	1,519,467	16,905,257
Connecticut,	310,015	13,669,139
New Jersey,	373,306	11,517,582
Virginia,	1,036,799	11,360,861
Rhode Island,	108,830	10,696,136
New Hampshire,	284,574	9,252,448
Maine,	501,793	7,105,620
Maryland,	469,232	6,450,284
Kentucky,	779,828	5,945,259
Vermont,	291,948	4,326,440
North Carolina,	753,419	3,838,900
Tenessee,	829,201	3,731,580
South Carolina,	594,398	3,261,970
Georgia,	691,329	2,899,565
Alabama,	" "	2,130,064
Mississippi,	" "	1,797,727
Delaware,	78,085	1,589,215

The following shows the number of horses and mules, hogs, black cattle and sheep, that assed over the Paint Mountain, in North Carolina, for the South Carolina and Georgia arkets:

	Horses and Mules.	Hogs.	Black Cattle.	Sheep.
In 1840	5181	52,255	3243	3245
" 1841	5833	54,786	3049	2357
" 1842	3840	62,649	3318	3192
" 1843	4361	52,612	3333	3565
	19,215	222,302	12,943	12,359
" 1844 to Aug. 31	2090	4702	2656	2101
	21,305	227,004	15,599	14,460

The above was obtained from R. W. Brank, Keeper of the Toll Gate on the French Broad River, in North Carolina.

Report of the Standing Committee of the Agricultural Society of South Carolina.

The Standing Committee of this Society, on the expenses incurred on Produce of the State, would beg leave to submit statements relative to the sums expended on domestic imports:

They do not wish to touch on any speculative doctrine of political economy, involving the necessity of mutual exchanges for reciprocal advantage, but propose to show in what articles our money is expended, and whether any balance remains. The Committee leave it to the good sense of the Society, and the community in general to determine, how far many of these expenditures are inevitable, or whether they may be moderated for the good of the State. In the extended trade between the North and the South, it is very difficult to ascertain the accurate amount of what we buy, and the statement now submitted, does not pretend to effect more than approximate to the truth. It may however, give some clue to the labyrinth of domestic trade, and invite those well informed on particular items, to add such correction as may finally lead to something like a correct statistic. The object of the Committee is simply to exhibit a debtor and credit statement of our receipts and expenditures, as a suggestion of the propriety of producing for ourselves much of what we now purchase, so as to retain at home so much of the proceeds of our labor as will enlarge the resources and comfort of every family in the State.

To strike a balance the value of Exports must be stated.

Export of 60,590,890 lbs. Cotton, - - - - - - - -	$6,000,000
" 80,000,000 lbs. Rice, - - - - - - - -	2,000,000
" Lumber and other commodities, - - - - - -	500,000
	$8,500,000

Imports of 1843.

Sugar,	5,917 hhds.	5½ cts.	$383,922
Coffee,	38,294 bags,	8½ or $13	501,722
Molasses,	4,359 hhds.	24 cts.	135,000
Flour,	52,000 bbls.	$5	260,000
Corn,	300,000 bush.	50 cts.	150,000
Oats,	100,000 "	30 "	30,000
Peas,	40,000 "	62 "	24,000
Hay,	24,826 bundles,	87 "	74,478
Bacon,	5,000 hhds.	6 "	300,000
Lard,	20,000 kegs,	6½ or $3	60,000
Butter,		$12 each,	225,000
Salt,	91,122 sacks,	$1 30	118,458

Cheese,			30,000
Ploughs and Garden Implements,			20,000
Northern Hardware,			250,000
Machinery,			200,000
Horses, Mules, Cattle, Hogs,			1,775,000
Building Materials, Lime, Granite, Carpentry, &c.			150,000
Equipages,			150,000
Furniture,			50,000
Shoes, 187 whites at $5, 163,000 negroes,			1,081,709
Hats to ½ of 256,000 whites at $4,			340,000
Dry-Goods,			2,000,000
Foreign Imports,			1,588,852
			$9,898,932
Travelling expenses must be computed as one of the regular drains to the State, 2000 persons at $300.			600,000
			$10,498,932
The discount against this sum, for re-exportation, may be thus estimated,			
Sugar, 383,922 Coffee, 501,722 Molasses, 135,000	1,020,644,	deduct ¼,	$255,161
Hardware,	250,000,	deduct ¼,	62,500
Lard,	60,000,	" ¼,	15,000
Foreign Imports,	1,588,852,	" ⅓,	526,284
Dry Goods,	2,000,000,	" ½,	1,000,000
Deduct from $10,498,932 this amount,			1,858,945
			$8,639,987

This Exhibit of Imports has been compiled from the account current files of the *Mercury* and *Courier* for 1843, corrected as far as practicable by Merchants most likely to possess accurate information. The importation of Corn last year, was comparatively small, owing to the failure of the North-Carolina crop; but in years past has considerably exceeded the amount specified, though at present on the decrease. The greater portion of our Sugar, Coffee and Molasses, particularly the first two, is received coastwise, notwithstanding freight and distance. Much of this import is distributed throughout the State. The aggregate of all these items, shows a considerable balance against the State, moderated by the probable discounts for re-exports, to Georgia, North-Carolina, Tennessee, and Alabama.

Although the cost of the Sugar, Coffee and Molasses, is merged in the Foreign imports, yet so large a portion comes coastwise, and does not appear on our Custom-House books, that a deduction must be calculated as well from those items, as from the Foreign imports. From the Foreign imports, a third may be deducted for re-exportation, and from the Dry Goods at least one half. The amount of Dry Goods from the North is probably more than two millions, but it is impracticable to arrive at an estimate. The importation of Dry Goods to Columbia, Georgetown, and Hamburg, enter inconsiderably into our calculations. Independently of our catalogue of expenses, a considerable amount is spent for Beef, Pork, Fish, Baskets, Pails, Mats, and a thousand other articles. The fact that we have no surplus, is confirmed by the stationary amount of coin in the country. If our exports exceeded our imports, the surplus would be paid for in specie, but the statements of the Banks show, that in an average of years, the amount of coin imported and exported, balances—incontestibly proving, that we are not in a prosperous condition. Again, if what may be said of a community of individuals, may reflect some idea of the condition of a State or nation, and we refer for an example to the planting interest in particular, it will be established that the planters are generally encumbered with debt and complaining, yet tributary every where for many of the necessaries of life. As we are essentially an agricultural people, it is fair to conclude a sympathetic influence pervades other sections of society, and that our habits and pursuits require reform. All which is respectfully submitted.

R. W. Roper, Chairman.

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THE

ROMANCE OF LIFE,

A

HISTORICAL LECTURE,

DELIVERED BEFORE THE

GEORGIA HISTORICAL SOCIETY,

ON THE 14th JANUARY, 1845.

BY ROBERT M. CHARLTON,
A Member of said Society.

SAVANNAH:
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1845.

ADDRESS.

THE ROMANCE OF LIFE.

How strange is Truth! How sceptickal is Man! How he yearns for the wonderful and the mysterious! How ardently he pores over the fabled page of the Romancer, or starts as the visions that the Poet has conjured up from an unknown land, rise before him! How he sighs for an existence in the primeval time, or longs to wander amid the fairy and gorgeous scenes of the Eastern regions! Shake him roughly, and strive to awake him from these day-dreams — these half defined desires — and tell him, that *here*, in his own land — *now* — in his own time — above him, around him, and within him — are mysteries more wonderful, and scenes more beautiful, and events and passions more thrilling, than the Romancer, in his wildest vein, has ever chronicled, or the Poet, in his sweetest strains, has ever sung; and he would stare at you, as if he were in doubt, whether you were a true and moon-struck madman, that had indeed proclaimed such ravings to his ear, or whether his own senses had deceived him, and his distempered imagination had conjured you up from the glowing pages that he has been so intent on. And, yet, such is the wonderful fact. The Earth teems with mysteries — the sky shines with them — they float in the air — they swim in the deep — they flash from the dark-robed clouds — they whisper in the gentle tones of the summer-wind — they speak in trumpet tongues in the voices of the tempest and the thunder. Cease thy longings for the ancient days, oh, dreamer! Close thy book and look about thee, upon the volume of Nature. See there, before thee, is a tiny insect, that thou canst scarce distinguish from the grains of sand that surround it — watch it — it moves on with an energy and an instinct that enable it to overcome or avoid all obstacles. See—it has seized some object larger than itself, and still it goes bravely on — nothing daunts it — nothing stops it — tread it under foot, (if you canst have the heart to attempt such

murder,) and it will rise up again beneath the ocean of sand and turn once more to its labor. Dost thou know it? It is the ant, that lion-hearted atom, toiling amid the heat of summer; and though the season's brightness and its warmth are bringing up and producing ten thousand enjoyments for this little traveller, he his busy, gathering together his provender for the long winter time, when frost, and snow, and cold, shall have locked up the granaries of Nature. Thou wilt tell me, that I am mocking thee; that thou canst see this daily and hourly; and is it less a mystery therefor? If thou hadst read in those ancient legends before thee, of an insect so courageous, that it would attack an animal of ten thousand times its magnitude; of industry, so indefatigable, that it would climb house-tops and mountains to pursue its course; of perseverance so unflagging, that though repulsed a thousand times, it would still return and overcome the obstacle that impeded it — thy eyes would have sparkled with interest and amazement: it is because it *is* constantly before thee — because it belongs to the present time — that thou lookest so disdainfully upon it. When did the Knight Errants of thy heart do half as much? When did their bosoms beat as high with valor and determination as this poor insect's? "But it has no loves — no burning jealousies — no blood-stained victories!" How knowest thou that? I warrant thee, even that tiny breast has grown gentler for some fond one that lived within its little world; that its blood has flowed quicker when some Adonis ant has flirted around the little coquet; that its path has been stained by the trophies of its mimic battles. But thou wilt say, why dost thou lure me from my glowing page, to point me to this moving atom? Why not shew me the majestic mysteries of Nature? — Why waste my time with a topic so insignificant? I answer, because it *is* insignificant? I point thee there to one of the smallest of Earth's creatures, to ask thee if the atoms contain such wonders, how much more the noble and lofty works of Nature? Follow me, if thou wilt. Let us dive into the caverns of the Earth, and mark the sculptured halls — the rocky avenues stretching miles and miles below the busy haunts of men. Let us plunge into the deep, and view the huge leviathan sporting amid the waters; or, the rainbow-hued dolphin, as she flings back the bright rays of the

glorious sun. Let us climb into the air, and behold the eagle, with his untiring wing, and his unflinching eye, the noble image of indomitable perseverance and of brilliant genius, soaring proudly and gazing fixedly towards Heaven's brightest luminary! Oh, dreamer! if the moments of thy life were multiplied by the sands of the desert, they would be all too short to help thee to unravel these mysteries that are around thee and above thee.

But dost thou still murmur? Dost thou still complain? Is it of man — thine own species — his daring deeds — his perilous achievments — his cruel wrath — his fierce jealousy — his devoted love — his bitter sorrows — his exciting life — his thrilling death? Is it of these that thou wouldst learn? Is it these that charm thee so in the wild legends of thy loved romance? Once more, I tell thee, close thy book! Stranger sights are passing before thee, all unheeded, whilst thou readest. Thinkest thou that imagination can out-fly reality? Whence did the Poet draw his materials? Was it not from Nature? Was it not from man? Thou dreamer! he has but softened the light, lest the full blaze should have blinded thee — he has not drawn from the busy scenes of life and touched them with a brighter or darker hue, that he might excite thee *more*, but he has veiled them with a master-hand, lest they should seem too appalling, or too wonderful to thy vision. Look up from thy page — here I will tear for thee, the bosom of thy fellow. But first look into his face; it is bright, and smiling, and beautiful; there is no trace there of sorrow, of anger, or of crime. He has masked it like the miserable and despairing wretch, who has fled from the anguish and distress of home, and clothed in his holiday garb, and wreathed with his counterfeit smiles, has come forth into the haunts of his fellows, to cheat them into the belief that he is happy — and to envy their better fortunes, while they, in their turn, are alike deceiving and deceived. But now turn away from his countenance, and look where I have laid bare his heart! Look into that dark corner. There is revenge enough there for twenty murders — there is envy enough there to blight the happiness of a thousand lives — there is craving enough there to swallow up many fields, and houses, and stores of gold. But not these alone. Look again! There is ardent Sympathy, that gentle dew that falls so softly and imperceptibly in affliction's night-time — coming, like

charity, amid darkness and despair, but refreshing the parched foliage of the heart, and preparing it to glisten and sparkle 'neath the coming rays of Joy. Oh, heaven-born Sympathy! thou that findest thy way into the lowest depths of crime, and bloomest amid vices and passions, like the lovely floweret, blossoming amid the weeds and rankness of the tomb. And, look again. There is Love — faithful, devoted, Love — the charm of Life's day — the gem of Hope's coronal — the balm of Earth's wounds. Yes! in that little heart, there are passions and vices, and virtues, the embryo of lofty deeds, and base actions, that need but the touch-stone of trial or temptation, to come forth from their hiding-places, and astound the world with their daring, or their majesty.

And, yet, feeble, short-sighted, man, can discover none of this, until it bursts from its covert. He cannot read his neighbor's thoughts — nay — he cannot understand his own heart. If he be a believer in the Holy Book, he knows that the human heart is deceitful and desperately wicked; but he knows not *how* deceitful or *how* wicked, and he flatters himself that this is a description of the species in the aggregate — and not a delineation of his own particular heart. Alas! alas! If we had the gift of *Elisha*, to look down into the hidden purpose of the bosom — hidden even from the very flesh that covers it — we would spring back in horror, as from a den of vipers, or from a loathsome sepulchre, into which we had fallen unawares. How little did *Hazael* deem, when he blushed beneath the searching glance of the Prophet, that he was then, in heart, a regicide — a traitor — a murderer — the despoiler of Heaven's heritage — the assassin of Earth's daughters. And, yet, even so it was. And if a Prophet's eye were still upon earth to read the secret recesses of the hearts before him, he might develop scenes and deeds not yet beheld or performed, and which may never be beheld or performed, but which are surely there, lacking but the time, and opportunity, and occasion, to bring them forth, that the imagination of the daring Romancer never conceived, and the wild legends of the Poet never told.

There is a mystery in man, that man cannot solve; all other things animate or inanimate, are governed by fixed laws — the eccentric comet is consistent in its eccentricity — the tides that

come and go, differing each day as to the time of their return, yet so differ, because of certain and immutable rules — the savage lion has its hours of humanity and harmlessness, but those hours are also prescribed by instincts and feelings, which can be understood and acted upon. But it is not so with *man:* a creature endowed with the noblest attributes, decked with the brighest virtues, contaminated by the foulest vices, blackened by the fiercest passions, these contrariant feelings and propensities are thrown into one common mould, and so mixed together, that in the jolting of life's journey, they come up, as it were, promiscuously, and startle with the rapidity with which the darkest deed pursues after the retiring steps of the most beautiful action. I am not romancing. I will prove my assertions. I will take a leaf from a dark and bloody volume — the French Revolution, that era of terror, when man seemed changed, not only into a fiend, but into an insane and inconsistent demon.

The scene is in Paris — the day — the memorable 2d of September, 1792; — the time — night. Some hundreds of infuriate wretches have presented themselves before the prisons, where the nobility and gentry of France had been immured a few days previously, by order of the infamous municipality. A mock tribunal is erected, and the unhappy prisoners are successively dragged before it, a single question is asked of each one of them, and he, or she, (for lovely woman was amongst those doomed ones,) is condemned, and turned out to the populace, who, with fierce cries and savage gestures, and hearts panting for blood, are waiting with pikes, and swords, and bayonets, to pierce the wretched victims. One, by one, the condemned are destroyed: there seems to be no cessation to this fierce thirst — this wild craving after blood. You might as well look for virtue or humanity in that reckless mob of devils, as for ice in the burning desert of Africa. Each victim — each new gush of blood — adds to the frenzied excitement, and stifles more and more the small voice of humanity. It would seem as reasonable to ask for mercy from these furies, as to tender a respectful request to the hungry tiger that has just tasted the blood of his victim, that he would abandon his prey. But now mark the wonder. One of the prisoners is brought forth; he is presented before the tribunal; there is no peculiarity about his appearance, his manners, his character, that

could distinguish him from the multitude of his fellows that have been already slain: despairing of succor, he stands before his mock judges: suddenly two of the wild beasts that surround him, hasten to his side; with swords dripping with blood, and hair tangled with gore, with eyes bloodshot with watching and with revelry — the very impersonation of cruelty — they range themselves by him — neither of them has ever seen him before — neither has ever heard of him — he is alike unknowing and unknown. But they have taken an interest in his fate — why, they cannot tell — perhaps it is the tie of his cravat, or the shape of his buckle, or his countenance may have brought back the memory of some lamented friend, who has long slumbered in the grave — who can tell? — they cannot. But they become his guardian angels: they suggest, by a pressure of his foot, the time when he is to speak, and they whisper to him the words of safety. He is thus saved from the clutches of the judges. But he has still to pass through a multitude of dangers; but his friends go with him, proclaiming his acquittal, and putting aside, at the peril of their own lives, the threatening weapons: — he has reached the verge of the crowd, and he is safe. He offers his preservers money, but they refuse it. All they ask in return, for their disinterested kindness, is, that they may view the meeting between him and his family. He consents, and they go together to his home. The weary wife hears the footsteps, and believes them to be her husband's murderers coming to finish upon his helpless widow and offspring their work of death. A slight tap, and the door is flung open, and with joy unspeakable, the wife clasps her lost and found husband to her bosom, and the poor babes crowd around them, with wild cries of happiness and pleasure. The blood-stained spectators look on with streaming eyes and happy countenances; the tide of blood has been checked and rolled back in their hearts, and the pure stream of benevolence is flowing with its beautiful waves over the polluted track and cleansing it from the guilty stain. "These are my benefactors — my preservers" — exclaims the husband, and a thousand thanks are poured forth to them, and ten thousand blessings invoked upon them — they mingle their tears together — all hearts bound with delight — all is happiness and peace — until, suddenly, the tide of blood returns; the benefactors remember that they are losing pre-

cious sport, that hundreds are being killed without their participation, and taking a hasty leave of their grateful friends, they rush back to the carnage; a thousand times more eager for blood, because of the suspension — tenfold more demons than they had ever been. Read me this mystery, if thou canst. Turn to thy volume, if thou darest, for a scene so terribly romantic as man — living and breathing man — has here developed to thee.

The instance I have just offered, was intended to illustrate the position, that the actions and motives of men are oft times mysteries to themselves. But now I propose to adduce a few passages from the annals of the same Revolution, to convince you, my audience, that the most daring and chivalrous deeds of the fabled Knight, are but the feeble representation of what has actually been performed in Life's Drama!

The scene is the Palace at Versailles. A crazy mob, composed of the vilest dregs of the vile, has marched from Paris — all who opposed them have been massacred, and the bloody heads are stuck on pikes and borne aloft as banners: the grim features of the dead, distorted and hideous as they are, yet being lovely and beautiful in comparison with the terrific living visages of hate and vengeance that crowd beneath them. On, and on, they come—they have entered, like the toads of Egypt, the Legislative Assembly and the Halls of the Palace — their cry is "Bread and Blood — Death to Kings — *A bas les Aristocrats!*" They have ascertained that the Queen is in a certain part of the Palace, and they have commenced firing at the windows. In the midst of the firing, the Queen steps into the open balcony, and faces the multitude eager for her blood. In each hand she holds one of her children. A faithful subject throws himself before her, to shield her with his life, but she gently puts him aside, and stands unsheltered from the leaden hail. "Away with your children," bursts from the lips of twenty thousand persons. Well does *Marie Antoinette* understand that order—they wish to spare the children — it is *her* life they crave. But with a heroism and a coolness that have never been surpassed, and though she knows that they intend her instant death, she obeys the mandate, and sending in her offspring, again she steps into the balcony *alone*. Instantly,

twice ten thousand voices raise their shouts of applause. Vengeance has been stilled by the admiration which such undaunted heroism has inspired in the bosoms of that chaotic mass. Does Romance give you a brighter picture than this?

Another picture! The scene is changed. It is the massacre of the Prisoners of which I spoke a few minutes ago. The legions of Satan are on the outside of the prison walls, and one by one their victims are thrown out to them, like morsels of meat to hungry lions. An old man, in his turn, is thrust into the crowd. A hundred weapons are up-raised, to find, in another moment, their scabbards in his body. But even then, when death seemed inevitable both to him and to any one who should interpose in his behalf, a lovely female — her golden ringlets floating to the midnight wind — her beautiful eyes gleaming with heroic devotion and filial love — clasps the old man by the neck, and defies the vengeance of the populace. "It is my father," says she, "strike, if you have hearts to do it; but only through my bosom shall you reach my sire's." Down fall the points of the weapons. The mob stand irresolute, amazed and admiring at the courage of the sweet girl, and yet incensed at being balked of their victim. How that moment of irresolution would have terminated, no human mind can tell; but at that crisis, one of the number of the assailants presents her with a cup, filled to the brim with blood — the warm blood that they had caught, as it streamed from the veins of the murdered nobles. "Drink," says he, "drink to the dregs. It is the blood of aristocrats — drink, and your father's life shall be saved — drink!" She takes the cup — the boon is too great to hesitate — with an averted eye and a throbbing heart, that beautiful girl, at that midnight hour, amid the yells of savages, and with the blaze of a thousand torches flashing in her eyes, lifts the goblet to her lips and quaffs it to the very last drop. The pledge is kept — the old man is saved; but who shall tell the horror which the memory of that hour shall bring, to the last moment of that maiden's existence. Has Poetry a wilder sketch than this?

Let us change the theatre of Life's Drama, and roll back the tide of time some centuries.

We have crossed the ocean's wave, and we are standing in the newly discovered world. We are in the heart of a large and populous city, surrounded by a multitude of swarthy warriors — the inhabitants of the land. On the right, is a long range of stone buildings, surrounded by a wall of the same material, and within the enclosure, you may see the sun's rays flashing upon the bright armor of steel-clad warriors. They are Spaniards, and they call themselves Christians: a mere handful of men, they have fought their way through immense masses of desperate savages, who, though startled at the new animals — the cavalry — that for the first time they had beheld — and amazed at the lightning, which, flashing from the cannon of the invaders, had scattered death through their ranks; yet, with the intuitive courage of brave men, have disputed valiantly with their fierce foe, and now besiege them in their quarters. This is *Mexico* — the far-famed capitol of the *Aztecs*. A desperate battle is waging. From a lofty temple — the sanctuary of their cruel gods, that overlooks the citadel of the Spaniards — the Indians are raining down stones and missiles. The Spaniards see the necessity of driving these foemen from their heights, and resolve to effect it. With them to resolve, is to do. But before we follow them to the perilous encounter, let us pause and survey the artificial mountain, which they are about to climb in the face and despite of an infuriate foe. It is a huge hill of stone, three hundred feet square at the base, having five separate stones, one on the top of the other, each smaller than the one upon which it is erected. A flight of stairs winds round and round the huge mass, compelling those who ascend, to pass four times around the temple, or nearly the space of a mile, before they can reach the top. On the summit is a plain capable of holding a thousand persons. It has no parapet, so that whoever is pressed to the brink, falls over into certain ruin. On one side of this area, are the sanctuaries of the Heathen Gods, on whose altars, at the instant I am describing, eight human hearts, just plucked from the owners' bosoms, are palpitating and quivering with the last throes of vitality. The half naked priests of this terrible region, are officiating at the horrible sacrifice, which is intended to propitiate their deities and give them victory over the invader.

Now, turn back to the Spaniards: the gates of their citadel are thrown open, and *Cortes*, their great leader, at the head of a small and resolute band of three hundred chosen cavaliers, comes forth, and fighting his way through the thousands who disputed his passage, reaches the base of the temple and commences the ascent. On every landing place they are assailed by the foemen; heavy stones and burning rafters descend upon their devoted heads, and thinner and thinner their ranks become as the blazing death sweeps them down the sides of the temple; but pressing on, step by step, they fight their way, until the retreating and the pursued have alike reached the broad summit; and now the fierce strife rages with horrible fury — the combatants know that there is no retreat. The Aztec battles for his home, his country, his Deities: he fights beneath the very presence of his colossal war-god. The Christian battles for conquest and for life. Both nerve themselves for death: the foemen beneath have ceased their strife, and by common consent, are gazing at this ærial battle: the flash of the musket, with its deafening noise; the loud yells of the Indian; the wild figures of the Aztec Priests as they fly from spot to spot encouraging their ranks; the falling bodies of the warriors as, driven over the edge of the *teocalli*, they drop lifeless from the terrible height; the blood pouring down the lofty sides; the clash of arms; the combatants moving about as if they were fighting in mid-air, give a character to the scene that human language seeks in vain to pourtray. Fiercer and fiercer grows the strife: the Spaniards are evidently getting the better of their more numerous foe, but there is no yielding. Victory will only come by extermination. But horrors of horrors! See!—two warriors have seized on Cortes, and are dragging him on to the brink of the precipice; encumbered with his armor, he is scarcely a match for such odds; his strength is yielding; but he will not die unrevenged; with a death grasp, the three have reached the extreme edge. Another effort, and the Conqueror of Mexico will be a mangled corpse at the base of the edifice, and the destinies of a world will be changed. And that effort is made; down and down a body drops from the fearful height: but, see! — look! — it is not *Cortes*, it is the Aztec warrior, who has been hurled to ruin by the gallant

Spaniard. A blow of his good sword, and the remaining warrior sleeps upon the bed of stone; and once more, dashing into the thickest fight, is heard the General's war-cry. The battle is over — the Indians are stilled in death — and the victors tumbling down the miserable god from his temple, descend themselves, to renew in a thousand fights their perils, and their victories.

Has imagination ever invented so thrilling a romance as this?

Once more! We have rolled back the tide of time still nearer to its fount. We are again in Europe, on the plains of *Cressy*;—still the din of battle meets our ears. England and France have met in mortal combat. There, before you, a body of Bohemian cavalry, commanded by Charles of Luxemburgh, are struggling with the Britons; and, now, they are flying from England's Prince, overborne in the fierce encounter. An aged and blind Monarch, the King of those retreating forces, is stationed on a neighbouring height, brought thither from his distant home, that he may once more renew his youth, and listen to the stirring sounds of war, before death has closed his ears forever. The fugitives encounter him. — "Fly, sire," cry they, "all is lost, and England's ranks will soon be upon you." "Yes, I will fly," answers the lion-hearted Monarch, "but it shall be *to* the foe, and not *from him.* Give me my ancient sword. Turn my horse's head to the enemy, and come with me all ye that love Bohemia and honor. Let us retrieve our country's disgrace. Let me strike another blow at the haughty Islander, and let me die." A hundred men obey — linking their horses' bridles together, and throwing away the scabbards of their swords, they plunge into the ranks of the advancing enemy and battle manfully, carrying destruction wherever their phalanx moves, until overpowered by numbers, they slumber in the arms of death. And there, amidst that gallant rank, his white hair streaming to the breeze; his sightless orbs turned towards his foemen; his feeble hand grasping the weapon of his younger days; the blind and aged King finds alike his country's honor, and his own death.

If you insist upon it, that this incident would sound better in verse, and you will pardon me for the apparent indelicacy of falling back upon the resources of my more poetic years, I will give you the same story in rhyme: —

JOHN OF LUXEMBURGH.

T 'was on the field of Cressy,
Where many a gallant knight
Of France's boldest chivalry
Had fallen in the fight,
Bohemia's blind and aged king
Had wandered from afar,
Once more to hear the trumpet sound,
The stirring notes of war.

Bohemia's knights and stalwart men
Had mingled in the fray;
But England's prince and English arms
Had vanquished them that day;
And banner trodden in the dust,
And friends and kinsmen dead,
Did *Charles* of Luxemburgh behold,
Ere on that day he fled.

They bore the tidings to his sire —
That blind and aged man —
And bade him seek, by hasty flight,
The wrath of England's clan;
But "Never," was his bold response,
"Have I from foemen fled;
And where my friends and honor are,
My life-blood shall be shed.

"And ye, who would your native land
From vile disgrace regain,
Come with me to that hostile band,
And wash away the stain:
O, gird me with mine ancient sword,
And bear me to my foe,
And let Bohemia's stricken king
But strike another blow."

They linked their bridles, rein to rein,
And onward swept that band,
O, never on this earth again
To view their native land;
And, in the foremost of the throng
In honor and renown,
By overpow'ring numbers pressed,
Bohemia's flag went down.

The sun hath dawned in glory
Above that field of blood,
And silence reigns unbroken,
Where once these foemen stood;
And there, in danger's foremost place,
In death, and sword in hand,
They found Bohemia's aged king,
And *all* his gallant band.

I have selected incidents with which most of you are familiar, and that are comparatively of modern date, and which have re-recently been beautifully and graphically described by eminent historians, so that you might not charge me with making the Romance to prove my theory. But I might go on much further, my audience. I might draw from the wells of ancient history, and half forgotten legends. I might tell you of the chivalrous deeds of the Crusaders; of the patient sufferings of the Martyrs; of the warlike actions of Greece and Rome; of the perils and triumphs of our own Fathers. From the annals of every country; from the history of every century; from the trials of each sex; from deeds of beardless boy and tottering sire, I might prove to you that the Romance of *Life* is far more thrilling than the Romance of *Fiction*, and that the heart, longing for excitement, need not go to the fabled page, but can be filled by turning to the undoubted chronicles of the ages that have passed.

And so you will admit — in truth, you cannot deny it — but you will say, these are the records of the Past. Where shall we look for the Romance of the Present. We have fallen into peaceable and quiet times, and life jogs on with a tame and uninteresting gait! Alas! you do not see aught what is passing around you, if you hold that doctrine. The scenes that I have been depicting, arose from the same cause — the excitement of the passions and feelings of man — and the same cause ever continues. Circumstances may

make the masses to develope it more collectively at one time than another, but the human heart is the same, and the human passions are the same, at all times. Every man's life is a romance; every man's heart is a theatre, where the passions, the pleasures, the vices, and the virtues play their different parts. Circumstance is the call-boy, at whose summons the respective performers start from behind the scenes and exhibit themselves to the world at large; but though the circumstance should never come to call him forth, the actor is nevertheless there: — like the precious gem, or the golden ore, which remains imbedded in the earth, ready to be up-turned by the miner's shovel, but not the less there though that shovel should never throw it up.

If you mean that such terrific and united outbursts as the French Revolution are seldom to be met with, I agree with you thoroughly; but you must not forget that the direful scenes then witnessed, though startling from the number of the performers, and the magnitude of their crimes, were but made up of the actions of individuals. Think you, that we have not persons at the present day, quite as capable of murders and rapine, as each man who helped to swell the mass of the French populace? If you doubt it, you must be blind to the scenes that the earth daily witnesses; you must forget what you have heard in courts of justice. There is no difference in the man, or in the heart; the real difference is in the circumstance and the occasion, or in the chord of sympathy which has been touched.

Yes! life is a continued drama, that every man plays his part in until death drops the curtain before him. Scenes of the most thrilling interest are being constantly performed; every hour, every house, every heart produces them! Yes! scenes quite as thrilling as any I have described. Do you doubt it? Ah! if I knew the secret joys and sorrows of each heart that beats before me, how soon could I touch the chords that would bring the tear-drop to your eyes, or the joyous laugh to your lips. Events totally uninteresting to those around you, would be to you the scenes of the most exciting character, in comparison to which, the great actions of the past would seem to you utterly insignificant. If I could remind the mother of the happy hour, when she pressed her first born babe to her bosom, and forgot all her sorrow, for joy that a man

had come into the world. If I could bring to her memory the gush of affection and the smile of happiness that marked that eventful period of her existence. Or if I could bid the father remember the wail of his hapless babe, writhing under the torture of disease, and casting a look of mingled reproach and agony towards its parents, as if to beseech them to remove its affliction; utterly unconscious, poor infant, that the accustomed kindness was here all powerless, and that an earthly parent's hand could not turn aside the dart, sent from the unerring quiver of an Almighty Father; altogether ignorant, poor infant, that every pang it suffered, every cry it uttered, every look of agony it gave, was stereotyped in the memory of the sorrow-stricken parent, and that after years and years had floated by, that pang, and cry, and look, would spring up even in the midst of joy, like the thunder cloud darkening suddenly the noon-day summer-sky!

If I could present to you the image of life's earliest love; the bright young girl, who had wrapped her lover in her heart's inmost core and lived for him alone; and bring you back once more to the marriage altar, surrounded by the accompaniments of youth, and affection, and unmingled happiness, and then tearing you from that altar, bring you gradually on to the scenes that had followed with slow and sure steps upon all this brightness — the pang of sorrow, the dart of disease, the heavy blow of misfortune, the cheek paling, and the eye dimming, and the heart quivering, as death came to put its blight upon the bright hopes of the wedding-day—Alas! alas! you would no longer dare to tell me, that the common and the daily events that are passing around us, lack power to excite and thrill the heart; not the heart of the great mass, it is true, but your own individual heart. No, you would admit that life, daily life, has its scenes and events of such exciting power, that the weary bosom longs sometimes to wrap itself in death's oblivion, and to lie down in the silence and quiet of the grave.

But, thanks to a merciful Providence, these are not the only scenes we witness; there is joy, unmingled joy; there is happiness, unalloyed happiness; there is hope, beautiful hope; there is affection, darling affection; broad-cast over earth are sown the seeds of true pleasure, which grow up, nurtured by the hand of an omnipo-

tent and all-wise Father; and these clouds that darken our sky, and these tears that are wrung from our eyes, are but the early and latter rain, that fall to soften the heart's hardened soil, to bring up the beautiful plants of virtue, and to bid them bud and bloom until the heavenly husbandman shall transplant them to a more congenial soil. Let us weep with those who weep, and joy with those that smile, and joy also for those that mourn, as the wise husbandman, who gladdens to see the dark storm, knowing that from its bosom will flow the blessings, which will give joy for heaviness, and will throw back, when it has passed, the varied hues of the beautiful rainbow.

But I will no longer detain you. I have proved that life is crowded with romance; that it teems in daily and domestic life, and that he who is an attentive observer of nature and man, will find enough to startle and amaze him, without turning to his fabled pages. I have said, that each bosom has the germ of high and chivalrous deeds, and terrible and blood-stained actions; that whenever the occasion calls for the exhibition, the actor invariably comes forth. The same hand that shapes the event, produces the performer. The flint and the steel are always ready; suffered to remain apart, and they remain flint and steel; let occasion and circumstance bring them together, and a spark is produced, and a flame is kindled that lights up the world for centuries.

A word of caution to my young friends, and I have done. I doubt not, that in each one of you there are mighty elements at work; but I pray you, do not upset my theory, by rushing to the circumstance, instead of waiting until the circumstance comes to you. Don't imitate *Mahomet*, who, when he commanded a mountain to come to him, and it did not obey, went to it, cooly remarking, "that if the mountain wont come to Mahomet, Mahomet must go to the mountain." If the occasion wont come to you, do me the justice not to go to the occasion: don't fall into the error of believing that you *must*, each of you, be an ambuscade Adonis, or an embryo Napoleon. I have only said you *may be*. Else, after you have thrown your net around the heart of some fair one and have commenced hauling in, you may find that the intended victim has twisted her meshes around your own affections, and is gradually drawing

you home to your own discomfiture: or, what is worse, after you have stirred up the elements of deadly strife, with a view of giving a slight exhibition of your unrivalled prowess, you may be surprised by a tremendous overthrow. Go on in your accustomed course; pursue the paths of honor and usefulness, and when life draws to its close, you will find consolation enough in the calm and quiet of your evening sky, to take away from you all regret, that you had not been called to play a hero's part, and reap a harvest of crime and suffering.

And now our dream is over! Back to your hiding places, ye spirits of romance, and come forth again ye stern, and cold, and practical genii of every day life! But stay. Come not yet. *To-morrow* will be time enough for you to resume your sway! To-morrow, when the mechanic shall have gone to his toil; the lawyer to his mists and labyrinths; the physician to his drugs and deaths! But even then, come not alone; leave us not utterly, ye beautiful guardians of our better hours; leave us still perception enough to see, amid the rocks and thistles of our daily path, the glittering diamonds of hope, the golden threads of joy. Let us still love to look upon the soft and angel-like hue of childhood — the image of its Maker — not yet blackened and defaced by the vices of the world. Let us turn still with delight to the sweet and brilliant eyes of woman, and view, as in a glass, the ardent affection, and the high purpose, and the deathless love that beam thence, to bless us, and to cheer us, and to strengthen us in the terrible struggle of life. Let us not look unmoved at the noble deeds of benevolence, that come to shew that man has yet a purer spirit abiding within him. And as we pass along the path that leads us to our graves, and as the way becomes narrower and narrower, and the rocks above us are shutting out more and more the genial light of day, still strew before our tottering steps and feeble sight the blossoms of sympathy and kindness; and when we have dropped into the tombs that bound our career, plant one floweret over our bosoms and leave us to our rest.

Good night, my gentle audience! When each or all of you shall have leaped from the common paths of life, and become great and renowned in the history of the world, remember the poor pilgrim, who prophesied your greatness. If you should turn up a

warrior, spare me, I pray you, from your glittering sword. If fate should make you a civic hero, help me, I entreat you, to ascend the dizzy ladder of honor and of fame: and you, my fair hearers, when your happier, though less brilliant, hopes have been realised, leave me some infinitessemal section of your hearts — some remote and narrow nook in your memories:—

"Rosy dreams and slumbers light;
Fairy visions bless your sight;
One and all, Good night! Good night!"

16

AN

INAUGURAL DISSERTATION

ON THE

SYMPATHIES OF THE SYSTEM.

SUBMITTED TO THE

DEAN AND FACULTY

OF THE

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FOR THE DEGREE OF M. D.

BY

W. MOSELY FITCH,

AND

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SYMPATHIES OF THE SYSTEM.

I am aware that in selecting the subject, "SYMPATHIES OF THE SYSTEM," I have chosen one apparently, and indeed, beyond my depth, particularly if I pretended to inquire into and give originalities concerning its cause or agents; a subject abstruse in itself, and so considered not only by Junior, but also by Senior writers. That they thus esteem the subject, is evident from the manner in which the majority of them (Physiologists,) handle it, which is cursorily enough. They, and particularly the Pathologists are more interested, concerning the effects of the phenomena, than its cause or agents; the former being apparent, the latter obscure. As my object will be to dwell more on the former—viz: The mysterious relations existing between the particular organs, and the practical advantages to be derived from an attention to this relation, I shall briefly rehearse the causes or agents of this phenomenon, so considered by several writers, who have as it were, just glanced at the subject, or at its approximation to probability; the ideas of some of the first writers on the subject being chimerical in the highest degree.

In the first place, I will endeavour to define the term Sympathy, prefacing the definition, however, with this remark, that in using the term Sympathy in Physiology, we speak of it just as we do that of attraction of gravitation in Physics, the word in either case simply expressing a law, and not explaining the power whose mysterious movements constitute that law. I should say the term expresses that intimate relation existing more or less, between various parts and organs of the System, by the influence of which the parts so related are affected similarly, in a greater or less degree, either normally or abnormally. To illustrate this definition by an instance; let us take the Stomach, the centre of Sympathies, than which there is no organ in the human system, that possesses such powerful and extensive relations; let the irritation or inflammation be ever so slight, a similar

affection, shows itself in the head and other organs thus connected with the Stomach, by symptoms varying according to the nature of the part affected, and this affection will be modified by the degree of irritation existing in the organ, primarily deranged. Thus, if a small degree of irritation prevailed, the effect on the brain may be perceived by headache, if in a greater degree, then delirium, or even convulsions might result.

These connections between remote parts constitute one of the most remarkable differences between organic and inorganic bodies. We observe nothing similar in dead or inanimate nature; although she abounds in apparently mysterious phenomena, most of them, however being capable of solution on mechanical or chemical principles, further investigations may still continue to develope their causes and rationale; this is the more probable, since all her phenomena are connected by palpable and material links; here, the chain is, in a measure invisible, the connection evident; causa latet, while the effects are apparent and obvious.

Some have even doubted the existence of this consent of parts—this law of the animal economy. It is true, that we are not so intimately acquainted with the causes or agents of this relation, and the complex changes which take place in the different structures, when its effects are strikingly manifest, as to enable us to make the broad declaration, that such and such is the exclusive agent, that such and such changes do take place; but what if all this cannot be proved to a logical demonstration, does not this mystery stand on an equal footing with other—incomprehensibles of animal life? Has it ever been demonstrated, or will it ever be, by what particular process the will exerts its power over the muscular fibre? How the special sensibilities are adapted to their respective stimuli? Yet we are persuaded of their existence, from the phenomena which they exhibit, and it is by the same description of evidence, that we are or ought to be assured of the existence of Sympathy.

The principle of Sympathy extends throughout the body, every portion of it being susceptible of associative actions, by which means the different parts are linked together, so as to form one harmonious whole. There are however, certain organs of the System, which possess this property in a more eminent degree, than others, as the Uterus, the Brain, and particularly the Stomach, this last viscus being denominated par excellence, the centre of Sympathies.

It will be asked, what are the causes or agents of this mysterious relation. This has been a vexata questio with all the first writers, who have paid any attention to the subject. While some in their investigations and hypotheses have approximated to what may now be considered a rational view, others have diverged from the point with more than centrifugal velocity. Whytt in the difficulty of the subject, considered the Soul as the only cause of Sympathy. Hardly at this present day, can this view of the cause of the reciprocal relations be esteemed an exceeding sound one. Some again have brought forward, the continuity of the cellular Texture, as the medium of communication. I suppose its extensive diffusion, its existence in the structure of every organ, influenced them in this decision. Although this theory was not quite so abstract as the former, but equally incapable of being substantiated by experience and practical observation, and not even bearing the semblance of plausibility, it soon vanished among the things that were. The communication of parts by means of bloodvessels, the continuity of the mucous membranes, as being exclusive agents, may be comprehended under the same category. There have been some again, who vividly appreciating the abstruseness of the subject, have supposed Sympathy, devoid of all organic connection; others, again have thought that all the above mentioned, were more or less concerned. Notwithstanding the diversity of theories advanced by writers on this point, the greater number have been unanimous in declaring the nerves to be the general medium of communication between organs. The rapidity with which muscular power is exerted, the nerves being conductors of the stimulus applied —the immediate perception by the brain of impressions produced by external irritants, the almost equal rapidity with which some of the Sympathies are manifested, &c., after delivery, the application of irritation by suction or other mode, to the mammæ, almost immediately bringing on contractions of the Uterus, influenced Physiologists in directing their attention, as I have just remarked, to the nervous system, as the mysterious connecting link by which distant organs are supposed to react in this manner upon each other. We can only be surprised, that all, were not unanimous on this point, holding as this System has, from the earliest period of Physiological inquiry, such a pre-eminent rank among the vital functions; it having been considered not only the essential instrument of vital association, but of vital endowment, and therefore present in every body possessed of life, in

the vegetable, as well as the animal; it being also conceived as the first formed in the embryo, the growth and nutrition of the economy, or of its different organs standing in direct ratio with the developement and distribution of this one System. Hence, their idea of the supposed vast and extensive influence, wielded by this one of the vital functions.

Later investigations however, have modified these views considerably. The Doctrine of Schwan—omnia structura animalis et vegitabilis excellula,—militates, somewhat against the precedence in formation, of this one System, over the others. Dr. Carpenter remarks: The independent character of the cells in which all organized tissues originate, might be of itself a satisfactory proof that in animals as in plants, the actions of nutrition are performed by the powers, with which they are individually endowed; and that whatever influence the nervous System may have upon them, they are not essentially dependant upon it; moreover, there is an improbability in the idea, "that any one of the solid textures of the living body should have for its office, to give to any other the power of taking on any vital actions," and this improbability becomes an impossibility, when it is known, that no formation of nervous matter takes place in the embryonic structure, until the processes of organic life have been for some time in active operation. That the functions of nutrition and secretion are not dependent upon nervous agency, is shown from these processes, going on with great rapidity in the vegetable kingdom, in which it is said there is no trace of a nervous System to be found. I say no trace, but I believe Brachet, regarded the pith of the vegetable, with the various knots or gan glia in its course, as a nervous System, resembling the ganglionic or sympathetic in man, influencing the same processes in that kingdom, viz: of nutrition and secretion, as it does in the animal; his postulate however, needs confirmation.

In the animal kingdom, these processes take place with equal vigor, long before the least vestige of a nervous system appears. That many of the organic functions however, are directly influenced by this system, is a matter about which there can be no doubt, and this influence exerted sometimes in checking, and sometimes in otherwise modifying, has been happily compared by Dr. Reid to the influence, which the hand and heel of the rider has upon his horse; he thus illustrates it. The movements of a horse are independant of the rider on his back, that is, the rider does furnish the conditions necessary

for the movement of the horse, but every one knows how much these movements are influenced by the hand and heel of the rider.

Of the mode in which the nervous system influences the organic functions; it will be found that their ordinary function is to supply the conditions, either immediate or remote for their maintenance, and when its activity ceases, they feel its depressing and destructive influence immediately. The first mode in which it operates upon them, is by acting upon the muscular fibre, rendering that through it sensible to any stimulus applied, and the contractions thus induced, have usually an important effect upon them, which varies however in each individual case. Thus the process of nutritive absorption, which is the very first stage in the operations of vegetable life, and which is accomplished in plants by the accidental contact of the alimentary materials, the gases, with the radical fibres, cannot take place in animals, until the apparatus of prehension has been set in motion by the will, that of deglutition by the reflex function, and that of the intestinal canal by direct stimulation. The two former kinds of contraction being accomplished entirely through the nervous system, and the latter influenced by it. We notice the intimate connexion, the consentaneous action of organs with each other, as for instance, that of the Uterus and Mammæ, their equal growth and developement, no important change, either normal or abnormal taking place in the one, but what the affection is radiated to the other. We see that when the first effort, is being made to show the full maturity of the organs, attended with pain in the loins and back, a bearing down sensation, &c., we observe the mammæ also affected, which is shown by their being in an irritable and tender state. Here we say, is a marked instance of sympathetic communication between organs—sympathetic movements of this kind, according to Doctor C. may be excited either through the cerebro-spinal or the ganglionic systems. The sympathetic movements of the muscles of animal life, may be excited through the cerebro-spinal system, while those of the contractile tissue of the viscera, are probably excited through nerves, which though connected with the cerebro-spinal, act under peculiar conditions, and are commonly spoken of as forming part of the sympathetic system. It has been shown by Valentine, that all the contractile organs which may be excited through the sympathetic or visceral system of nerves, may also be made to act by stimuli, applied to the roots of the spinal nerves; but that each cerebro-spinal fibre

appears to pass through several ganglia before being distributed to the organs which it supplies. Thus the peristaltic motion of the intestinal canal, the contraction of the Pharnyx, that of the œsophagus, the peristaltic motion of the stomach, &c., all of which movements have been thought due to a sort of reflex action, taking place through the ganglia of the sympathetic system of nerves, may be excited by irritating the roots of those spinal nerves indirectly distributed to the different parts of the system. From the consideration of these facts, Doctor C. states this general proposition, that all the evident movements which can be excited by irritation applied to one part of the body, in the contractile organs or tissues of another, are really effected through the true spinal cord; why the fibres of the visceral nerves should be so peculiarly separated from the rest, we can at present only speculate; but it may not be considered improbable, that by their peculiar plexiform arrangement in the various ganglia through which they pass, connections are established between remote organs, which tend to bring their actions into closer relation with each other, than would otherwise be the case. The existence of such connections, for the purpose of harmonizing the several movements of the viscera, which are concerned in the various and complex operations of digestion and its attendant processes, may be inferred from the perfect conformity which exists between them, during all their different states of regular action; and still more perhaps from the phenomena of their disordered conditions.

It has been maintained that the nerves are not the exclusive agents of this relation of parts, and as a corroborative to this assertion, they have brought forward the sympathy of the Glands, Parotid and Testes, rendered strikingly manifest in disease: conceiving that they were parts, the nerves of which had not the slightest connection. This conceit however, has been negatived by experimental observations. It has long been questio dubitationis what influence, how great, or whether any at all, the cerebellum exercised on the Testes. I think from the results of experiments performed by Muller, that this influence is incontrovertibly evident. He, immediately after the death of a cat removed the skull as quickly as possible, laid open the abdominal cavity, exposing both Testes, their spermatic cords and vasa deferentia; the Testes lay perfectly still: upon irritating the cerebellum with the point of a knife, immediately one testicle raised itself up and moved from the spermatic cord on which it had lain, so as to form

nearly a right-angle with it, at the same time it became more and more tense, the greater the irritation, the more the Testicle moved: but the two Testes never moved together, stimulating the right lobes of the cerebellum, and the right half of the commissure, the left Testicle moved, and vice versa. The cerebellum, he found to be the part at which the nerves of the Testes terminate, the nerves crossing each other in the brain as those of the rest of the body do. If we do not doubt these results, we can now solve the hitherto inexplicable sympathy between the Testes and Parotid Glands, giving nerves as the medium of communication. The nerves of the Parotid being capable of being traced, in their ultimate roots, to the parts where the union of the nerves of the male sexual organs may be conceived to take place. I am rather inclined to consider the nerves as the exclusive agent of the Sympathies, conceiving that those sympathies of the system, which are at present inexplicable, will be found upon further research to depend upon some nervous connection now unknown.

Doctor C. says, the rationale of the sympathetic disturbance between different parts of the system, which especially manifests itself in the tendency to simultaneous affections with the same disease, becomes apparent, if we consider the disease as a *perversion* of the ordinary *proceses* of *nutrition* and *secretion*, and as *dependant* upon an *abnormal state* of the *blood*. He continues, when certain tissues throughout the body are similarly affected, there is strong reason to presume that the morbific matter is conveyed to it in the blood; this is the case for example with regard to the mucous membranes, which all manifest a tendency to inflammation, when arsenic has been introduced into the system. Now, with great deference to the talent and judgment of Doctor C. to whom I am so much indebted in this essay, me judice, it would perhaps have been more difficult of logical proof, but at the same time more plausible to have ascribed these consentaneous affections primarily to lesion of the nervous system. We know that another mineral poison, Lead, introduced into the system in a concentrated state, proves its deleterious power by its effect upon the nervous system, giving rise to extremely severe cases of neuralgia. As ardent a supporter as Dr. C. is of the independence (this term, of course, used in a comparative sense,) of the functions generally, of the nervous system, he admits that this system has considerable influence over the function of nutrition, and this, according to him, exerted through the medium of its power of regulating the diameter of the

arteries and capillaries, by which it controls in some degree the afflux of blood, and of affecting those preliminary actions on which the quantity and quality of the nutritious fluid depends. These being his views, and I shifting the onus probandi, he could not show that this morbid action, this perversion of the ordinary processes of nutrition and secretion, was primary, but rather secondary from lesion of some part of this system ; which I regard as by far the most *plausible* view ; and this plausibility I regard as a test of all those theories which are insusceptible of demonstration, i. e. that such theories must depend for their maintenance, upon the *degree* of plausibility they possess, seeing there is no other criterion for them.

I holding to Dr. Billings' theory of Inflammation, viz : that there is decreased arterial action from loss of tone of the vessels, which tone is derived from the nervous system. Hence his (Dr. C.) presumption, that when a certain tissue throughout the body is similarly affected, it is owing to a morbid cause, primarily conveyed to it in the blood is not a probable one. I imagine that when once a tissue becomes affected, which according to my mind, it does, primarily from some lesion of the nerves, the nerves lose their power of regulating the afflux of the blood, the vessels become dilated, the processes of nutrition and secretion are secondarily affected, in fine inflammation supervenes : and it is natural to suppose, that when a certain tissue is affected, one possessing similar nervous and sanguineous distributions, if the morbid action is not immediately quelled, that this will have a tendency to diffuse itself over parts of similar structure : even dissimilar tissues in juxtaposition will become affected, through the medium of nervous communication ; serous membranes almost always become affected from inflammation of the organs they invest—inflammation of the fibrous tissue of the heart often extends to its lining membrane—such affections have been considered results of the law-sympathy of contiguity.

The knowledge and full appreciation of the particular Sympathies of the System, of the various organs most intimately related, is of considerable importance to the practitioner, and must greatly modify his views of treatment. The idea of the sympathy of contiguity, solves the rationale of the operation of certain medicines, such as aloes in uterine cases, knowing that the Uterus may be excited to contraction, by irritation of the same nerves as those which excite the rectum.

By the sympathy of continuity, other medicinal actions, as in Bronchial irritation, the cough being frequently mitigated, by applying a demulcent to the upper portion of the Larynx, the soothing influence of which extends to the part irritated.

I have remarked before, the intimate relation between the Glands, Parotid and Testes: I have noticed, that some writers on Practice, recommend in metastasis of inflammation from the Parotid to Testes, powerful counterirritants to the organ first affected, for the purpose of recalling the morbid action from the organ secondarily inflamed; from statements that I have somewhere seen, it is asserted that their object has never been accomplished: if so, it is in a high degree an imprudent and injurious measure, for may not this compound irritation, be similarly and additionally radiated to the part secondarily acted upon?

Again, all are aware of the intimate relation existing between the Brain and Stomach; in children frequent vomiting being an almost perfect diagnostic symptom of an affection of the former organ. Delirium Tremens is a disease in point, the treatment of which has been much modified of late, in consequence of an attention to this relation. Heretofore every care had been considered as dependant on a deranged state of the nervous function, brought on by a deprivation of the accustomed stimulus, and according to this view of its Pathology, it was treated by a routine practice, giving stimulants, opium, brandy, &c., from the commencement. Of late however, that important faculty of the mind, judgement has been more exercised. The able and indefatigable Stokes, from closely observing all the primary phenomena of the affection, was led to consider it a sequent of two different causes, the one cause which I have mentioned above—an absence of stimulus, the other an excess. It was natural to suppose that an excessive quantity of stimulant liquors taken into the stomach, would produce an intense irritation of the mucous surface of that organ, which irritation, owing to the connection of the organs, would be radiated to the Brain. In fine, he viewed the affection of the Brain as secondary and depending on primary latent gastritis. Of course, this idea of the Pathology, was perfectly at variance with the former routine practice; the result and success of his treatment, verified his idea of the primary stomachic lesion. Often, says he, have we seen cases of violent outrageous delirium subside under the application of leeches to epigastrium, and iced water, without a single drop of Laudanum.

The sympathy between organs having analogous functions and structure, is also one generally known, e. g. that of the skin and mucous membranes, which is most intimate. This is shown in exanthematous diseases, in which the danger is in direct ratio with the affection of the mucous membranes: and it is a fact well established, that the direct rays of the sun, beaming upon the body in warm climates, induce Diarrhœa and Dysentery. The knowledge of this connection leads to the practice in the latter named affections, of paying close attention to the cutaneous function.

The appreciation of the different Sympathies, is of great avail in assisting one in the diagnosis of diseases, whether they be organic or functional. Thus we know that dilatation of the pupils is not always a certain mark of a lesion of the Brain, for worms often occasion it. Morbid states of the stomach may give rise to amaurosis. The presence of hardened wax in the ear, has produced distressing and long continued coughs. The relation, between the stomach and the heart —practitioners, comparatively speaking, are often called upon to diagnose cardiac affections, whether they be primary or secondary. We know that a loss of tone of the digestive apparatus, frequently produces palpitation, intermittent pules, &c., which sympathetic disorders are soon remedied, by treating the primary affection.

Some of the Sympathies are occult, i. e. in a normal state of the system, not at all evident, but become strikingly apparent, when diseased action takes place. Under this head will be included that of the Brain and Liver—wounds of the head sometimes giving rise to inflammation and abscess of the latter organ.

But of all the Sympathies there is none more marked, than that of the Uterus and Mammæ. We see that they grow and are developed pari passu; when the great change takes place in the Uterus significant of its capability of performing all its functions, we also notice the mammæ somewhat affected, becoming tender and irritable. I have before mentioned as an effect of this association, that irritation or suction applied to the mammæ, when the Uterus after delivery is in a distended state, will bring on contractions of the latter organ. This relation is evident in an abnormal state of the Uterus, as in Dysmenorrhæa in which Dr. Dewes observes, there are two distinct states of the affection, which in a prognostic point of view are worthy of attention. In some cases the Mammæ sympathise strongly with the Uterus, becoming tumid and often very painful and tender to the touch; while in

other cases the breasts remain wholly free from any affections of this kind. The former cases, he thinks are much more manageable than the latter. In diseases of the Uterus, the areola of the Mammæ become dark-coloured. Again, it has been remarked, that in almost every case, shortly after impregnation, peculiar sensations are experienced in the Breasts. These have been generally described as a sensation of creeping or formication, with a fullness and heat in the interior, and an itching over the surface. Almost immediately after conception, the Breasts enlarge, the glandular structure becomes developed, and one or more of the glandular lobules may be felt hard, enlarged and tender to pressure. The Sympathy between the womb and breasts is also shown by the effect which the periodical indisposition of the nurse during the time of suckling has upon the infant; the secretion of the mammæ becomes somewhat deranged, not only in the quantity diminished, but it is almost invariably altered in quality; hence in a greater number of cases, where the nurses are unwell during suckling, the infant will suffer griping pains in the bowels, purging, and sometimes convulsions. Dr. Campbell, in his remarks on Rachia, observes, "I have repeatedly, I think, traced Rachitis to a child having been reared on the milk of a woman who menstruated regularly while nursing."

The connection between these organs was noticed, according to Dr. Good, even by uncivilized nations. He remarks, one of the most effectual means of increasing the flow of milk from the breasts, is a slight excitement of the Uterus, as soon as it has recovered its tone; and hence, the mother of an infant, living with her husband and herself in good health, makes a far better nurse, and even requires a less stimulant regimen, than a stranger brought from her own family and secluded from her husbands visits. Of this, indeed, many of the rudest and most barbarous nations, but which are not always inattentive to the voice of nature, have the fullest conviction; insomuch that the Scythians, according to Herodotus, and the Hottentots in our own day, irritate the vagina, to increase the flow of milk in their cows and mares.

I, from these facts, being fully impressed with the intimate connection of these organs, imagined that many cases of barreness in women, when not dependent upon organic disease of the uterus, ovaries, &c., might be remedied by applying suction to the Glands, until they took on their office of secretion; *this new action being sympathetically*

radiated to the uterus, reacting on its nerves, and thus modify the secretions of that organ. Dr. Dewees observes, that the incapacity of impregnation will sometimes depend upon the imperfect condition of the uterus or ovaries; if the former, it may consist in some derangement of the secreting surface of the uterus; and though there may be a regular discharge of a colored fluid, and this so nearly resembling the perfect secretion, as to deceive the senses, it may yet want an essential condition or quality, and thus entail barreness; hence all women are not fruitful, who have a regular catamenial discharge, though as far as can be judged by appearances, the discharge is in every way healthy, and at the same time the ovaries free from fault. The internal surface of the uterus secretes a fluid called menses; now it will be evident, whenever this part is any way deranged, its product also must be impaired; but the injury does not consist so much in the imperfect elaboration of the menstrual fluid, as in the inability of the surface to furnish a healthy decidua after impregnation has taken place; for there can be but little doubt that the same apparatus furnishes both the one and the other. An ovary may be fecundated and duly conveyed to the cavity of the uterus, but it is suffered to perish there, from the want of a healthy decidua; it is therefore cast off unperceived, at the next menstrual purgation, and the woman remains relatively barren.

Now, acting contrary to an established law in Philosophy, non fingere Hypotheses—my hypothesis is, that this new mamarial irritation, reflected upon the uterus, at least, changes the former secretion, and has a powerful tendency to bring it to a normal one. This view I attempted to verify by experiment; the first I made was on one of the oviparous species—a pigeon. At first sight it would appear absurd to attempt to substantiate the effect of a Sympathetic relation in the human subject, by experiments made upon a different class; but when we consider that the nourishment of the young, in both very distinct classes, is somewhat similar, viz: the young of the pigeon, for the first few days, being fed on a pulpy secretion from the crop, which secretion takes place a day or so prior to the expected hatching of the ovum, the analogy will not appear so extremely harsh. I concluded from this, that there might be some relation existing between the parts. The first opportunity that I had of making a trial of this, was upon a pair of "Nun-Pigeons. I had had them for sometime, and they had not bred; they had the amorous propensity well developed. As they

copulated frequently without effect, I was led to notice them more particularly. I found that after several days connection with each other, the female betook herself to her nest and there dropped an amorphous mass, bearing some resemblance to an egg, shewing an imperfeet action of the ovaria. To find whether bringing on this pulpy secretion would have any effect upon the future fruitfulness of the female, I removed her abortion and gave her two eggs, which I knew would hatch; they did so, she fed the young, and ever after bred. I only obtained another case for trial, which resulted in a similar manner. The result of these cases would argue something more than coincidences. I, however, would not lay so much stress on these experiments as on the following.

The next experiment I made was upon one of the mammiferous species, viz: Rabbits. The analogy here is not a perfect one, between the functions of the organs uterus and mammæ of this species and the human. They, the rabbits, have no regular monthly secretion from the uterus; but they both form a decidua after impregnation. I had four she-rabbits that did not bear. I made experiments on the whole, two of which were successful. The manner in which I caused a secretion from the glands, was by placing a litter of hungry young rabbits in a cage with each of the barren. They would immediately apply themselves to the teats of the old ones, which, after some little demurring, they, the elder, bore quite stoically. In the course of a week, three of them secreted milk, the fourth not at all. About six or eight weeks after the secretion came on, two of them bred. I have not had an opportunity of trying the effect of the secretion on the human species, relative to its remedying barreness, but would, the first case that offered itself.

I had paid some attention to this subject before I visited Charleston last winter; while there, reading "Dunglinson's Physiology," I had the fortune to come across a reported case, which would tend to substantiate my view. The case stands thus; A lady of Alabama, who had never borne children, or rather I should say a child, was requested to take charge of an infant during the illness of its mother. In the course of the night, the infant became restless and fretful; the lady, to quiet it, put her nipple into its mouth. This was done from time to time, until the milk began to flow. Sometime after she conceived, and at the expiration of the usual time, was delivered of a fine child.

This remedy, if from subsequent observations, it can be so styled, is a prepossessing one, not being of that kind called heroic, in the administration of which, there are as many chances to kill as to cure; it being much preferable to continued draughts of such potations as the "Lucina Cordial," et congenera medicamenta; and last, but not least, from there being little inconvenience attending the process of irritation of the mammæ.

Hoping, Gentlemen, that further attention will be paid to this interesting association, I leave the subject in your hands.

Respectfully,

W. MOSELY FITCH.

"STERILITY.—By Marshall Hall, M. D. F. R. S. &c.

Dr. Marshall Hall throws out a suggestion on the treatment of sterility, which may be tried under some circumstances. There is an extraordinary sympathy between the mammæ and the uterus, so that the functional condition of the former, influences that of the latter, "This Sympathy is partly nervous in its character, partly vascular, As a reflex action, the uterus is made to contract after parturition, by applying the newly born infant to the mammæ. As a vascular sympathy, uterine hæmorrhage and leucorrhœa occur from undue lactation." Many cases of sterility, of course, occur from organic defect, but when the cause is of a functional and less permanent nature, it becomes a question whether or not the uterus cannot be stimulated so as to assume a healthy functional action, in the way suggested by Dr Hall, who says :—

Now, as I have already stated, for one week before and at the return of the catamenial period or flow,(when a vesicle probably bursts,) the mammæ become tumid with blood, and tender from augmented sensibility ; in a word, there is the condition which, after parturition, leads to the secretion of milk. Might not this secretion be actually excited under this condition, by the appropriate or other stimulus—that is, might not the mammæ be brought into the condition which it obtains after parturition ? Might not an infant be applied and suckeled ? And might not the uterine system in the married and childless be brought into the healthy state required for conception ? In this manner, not only the female, but the male mammæ have been excited to the secretion of milk in such abundance as to supply the infant with abundant nourishment. (See Good's Study of medicine, ed. 2, vol. 4, page 79.) But the case most to our purpose is that of a servant maid, given by M. Bellor, in his "Cours de Medicine Lēgale." 1811, p. 70 ; "Une fille de service, obligēe de faire coucher dans sa chambre un enfant qu'on voulait seuxer, et qui dērangeait son repos, imagina de lui donner son seīn pour apaiser ses pleurs, qui l' importunaient ; an bout de peu de temps cette fille eut assez de lait pour satisfaire cet enfant."

My suggestion, then is, that when the mammæ is excited at the return of the catamenial period, a robust infant be repeatedly and perseveringly applied, in the hope that the secretion of milk may be excited, and that the uterine blood may be diverted from the uterus and directed into the mammary vessels, and that a change in the uterine system and a proneness to conception may be induced, I would propose that the patient should sleep, for one week before, and during each catamenial period, with an infant on her bosom.

Lancet, March 23d, 1844, p. 10. Braithwait's Retrospect of Practical Medicine and Surgery, Part ninth.

To DR. MOULTRIE.

Respected Sir;—These views of Dr. H.'s I came across after my Thesis was completed and while it was yet in the hands of my Preceptor, Dr. Toland, for revision.

My Father having seen a copy of "Braithwait's Retrospect of Medicine," was so highly pleased with its compilation, that he ordered the complete number of volumes, and these arrived, as I have before stated, after my compository labor was finished. He in reading one of the volumes, came to this paper on Sterility, and having previously read my views on the same points, his attention was more directed to it; after reading the article, he brought it to my notice. I am certain that prior to this time, I had not seen the views of any writer, which tended to this point. Last winter, I broached the theory to my chum, who ridiculed the idea; I nevertheless concluded to treat the subject. It was pleasing to me to find the speculations of a sciolist in medicine, like myself, corroborated by the similar views of so brilliant a star in the medical galaxy as Dr, H. I am indebted to this article of Dr. H.'s for one idea which I had not noticed in my essay, and indeed had not thought of, viz. the most suitable time of applying the infant to the breasts. You perceive, Dr. Moultrie, he advises the application of the irritation, a week preceding the menstrual effort.

With great respect,

W. MOSELY FITCH.

PROCEEDINGS

OF THE

NATIONAL CONVENTION

OF

FARMERS AND GARDENERS,

AND

FRIENDS OF AGRICULTURE;

HELD AT THE

AMERICAN INSTITUTE,

In the Park, (City of New-York,)

ON THE 11th AND 12th OF OCTOBER, 1844,

AND DURING THE

SEVENTEENTH ANNUAL FAIR.

New-York:

JAMES VAN NORDEN & CO., PRINTERS,
No. 60 WILLIAM-STREET.

1845.

PROCEEDINGS, &c.

THE Convention met Friday, 11th October, 1844, at 10½ o'clock, A. M. The meeting immediately proceeded to organize, and the following gentlemen were unanimously elected officers of the Convention, viz :

Gen. JAMES TALLMADGE, of New-York, *President.*

ISAAC R. BARBOUR, Mass.
JOHN S. PIERCE, Vermont,
CHARLES NICOLL, Conn.
JACOB D. VAN WINKLE, N. J.
ROBERT LAURENCE, City of Washington.
GEORGE BLIGHT, Pennsylvania,
EDMUND ELMENDORF, N. Y.
Dr. SAMUEL BENNET, La.
} *Vice-Presidents.*

HENRY MEIGS,
THEODORE DWIGHT, jr.
} *Secretaries.*

SHEPHERD KNAPP,
A. P. CUMINGS,
EDWARD CLARK,
} *Business Committee.*

The call setting forth the objects, &c., of the Convention, was read as follows :

National Convention of Farmers, Gardeners, and the friends of Agriculture, generally, from all parts of the United States, on the call of the American Institute of the City of New-York.

THIS Convention is proposed at the solicitation of agricultural gentlemen of high consideration, who sincerely desire the prosperity of

this great interest, and understand its condition. The time appointed for meeting is Friday, 11th of October, 1844, 10 o'clock, A. M., at the Repository of the American Institute, city of New-York, the first week of the 17th Annual Fair of the Institute. It has been urged by those who solicited the call, that it should come from this Institute, because by its act of incorporation it is constituted a national institution, and required to extend its fostering care to agriculture in particular, over all the states of the Union; and further, that a call from such an institution so centrally situated, devoted to the encouragement of industry, would be free from all partisan influences which have so often obstructed the progress of the best designed associations formed for other purposes, which might be imagined would exert an influence on the great political parties of the day, and at the time of the great New-York Fair, is deemed altogether desirable, as it will insure a full Convention. The proposers of this Convention further represent, that four fifths of the population of the Union are embraced in the agricultural class; that while other occupations, comparatively few in number, have held such conventions, no national agricultural convention had ever been heard of, although the scattered condition of the farmers, etc., and the obstacles to their meeting and interchanging knowledge with the facility and effect of other occupations, strengthened the necessity of their coming together, conversing, and concerting measures for the general good.

Evidence has been presented in replies to circulars and in representations before the Farmers' Club of the Institute, of great deterioration in our improved lands, the wheat crops from these lands being reduced in a few years from 33 to 50 per cent.; that in England, where meetings of farmers are encouraged, and agricultural schools are established, and liberal premiums are bestowed, their crops of wheat have in the same time doubled, averaging twenty-six bushels per acre; while our lands, run down by bad tillage, will not probably equal one half the English average. Indeed, it has been stated, that in Virginia, and many other places, large sections do not average over five to eight bushels the acre. Such a falling off in the great staple of about two thirds of the Union, is surely sufficient to awaken solicitation and an earnest inquiry for the remedy, and a knowledge of its application, which other countries are in possession of. Chemistry is bringing into use manures of unappreciable value, which have remained neglected for 150 and even 200 years, increasing by their application the value of lands more than ten-fold.

The farming implements and labour-saving machines are found in some perfection in certain sections of our country, though vastly inferior to those employed in manufactures and the arts; there are still large territories in the interior that now use the rude instruments of the last century.

The value of improved stock in some portions of our country is not appreciated at all as it deserves; an inferior breed is raised at double cost. Is it proper that the essential means for promoting this

paramount department of industry, the basis of all others, should remain neglected? The representatives of the tillers of the soil have legislated bountifully for other interest, and totally disregarded the interests of those who made them legislators, as if agriculture needed no fostering!

Who can reasonably object to a Home Department for agriculture, planned on a scale commensurate with the millions it is intended to protect and foster? The navy is provided with its department, another has been created for your money, one for your diplomacy, another for your postage; you have an immense edifice, with commissioner, examiner, clerks, &c., to take care of your patents; but for the vast interest of agriculture you have not a place where the farmer has legitimately a right to put his foot to ask for information relating to his pursuits, or to deposit that information for the use of others, which his experience may have acquired. No national means for concentrating a knowledge of the immeasurable labours of four fifths of the population of a mighty empire, multiplying in a ratio that defies all precedent in the history of the human race.

Agriculture, if it had met its deserts, would long since have shone conspicuous among the other departments of the government. Who is there that will question the foresight, the wisdom, or patriotism of Washington? At the opening of the session of 1796, the last at which he presided, he spoke to the nation's representatives as follows: "It will not be doubted, that, with reference either to individual or national welfare, Agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of Boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums, and small pecuniary aid, to encourage and assist a spirit of discovery and improvement by stimulating to enterprise and experiment, and by drawing to a common centre, the results every where of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown, that they are very cheap instruments of immense national benefits."

That session passed, and nothing was done. The farmers' representatives had more important business to occupy their attention, but not a whisper was heard against the wisdom of the recommendation. Every man in the nation openly or tacitly assented. But it was passed over. The utility of the measure was so obvious, and the approbation it met so universal, that Gen. Washington, in his letter to Sir John Sinclair, ascribed its failure to the short session and mul-

tiplicity of failures. The Father of his Country, under date of March 6th, 1797, wrote to the great benefactor of British Agriculture, as follows: "I am sorry to add, that nothing *final* in Congress has been decided respecting the institution of a National Board of Agriculture, recommended by me, at the opening of the session. But this did not, I believe, proceed from any disinclination to the measure, but from their limited sitting, and a pressure of what they conceived more important business. I think it highly probable that *next* session will bring this matter to maturity." This recommendation, conceived in wisdom and the purest patriotism, enforced by unanswerable arguments, has been passed unheeded forty-eight years.

In view of these and other cogent considerations, the American Institute has been induced to call a Convention, and the farmers, gardeners, and friends of agriculture throughout our country are most respectfully invited to attend. Agricultural Societies, Clubs, &c., are specially desired to meet and elect suitable delegates to attend; men of liberal and enlarged views, and comprehensive minds—men who do not "put their hands to the plough and look back," (for such there are,) and such never can benefit any convention. This august meeting of the owners of the soil, the men on whom our hopes and the hopes of our posterity must depend, cannot but ensure respect.

In order to render the results of this convention immediately available, a series of questions have been prepared, calculated to elicit answers from practical farmers, and gentlemen of accurate observation. This is in accordance with the plan of the Silk Convention held during the Fair of 1843, on the call of the Institute, which was attended with the happiest results. We assert, without the fear of contradiction, that the report of the proceedings of that convention contains more useful practical information on that subject, adapted to our country, than has ever before been published. All the most important observations and experiments made by two hundred culturists, many of them having been engaged for years, whether successful or unsuccessful, are there embodied. We propose to extend the means which have proved so successful in eliciting information on the subject of silk to the great farming interest of the nation, and, in order effectually to concentrate various minds to the same point, and in conformity to the above plan, questions are annexed, to which answers are desired; and those who receive this invitation, are requested to add any other useful information that is not embraced in the questions proposed, and if not able to attend, which will be much regretted, they are desired to forward written answers, that they may be inserted in the Report of the Convention, which will be published; a copy of which will be forwarded to those who communicate, and to Editors who send us a published copy of this call. The observations, facts and experiments of many hundred intelligent farmers from different sections of different states, will be

of great value to agriculture, while a Home Department, continually collecting and sending forth information, will multiply production, and give a richer face to our whole country.

James Tallmadge,	*Trustees.*	*Committee to Address the Public.*
Adoniram Chandler,		
William Inglis,		
Shepherd Knapp,		
Gurdon J. Leeds,		
T. B. Wakeman,		
E. T. Backhouse,		
Jeremiah Johnson,	*Board of Agriculture.*	
Thomas Addis Emmet,		
Henry Whitney,		
Nicholas Wyckoff,		
Edward Clark,		
Philip Schuyler,		
Thomas Bridgeman,		
R. S. Livingston,		
J. L. Smith,		
Henry A. Field,		
W. J. Townsend,		
Ralph Lockwood,		
Samuel Stevens,		
D. J. Brown,		
R. L. Pell,		
Henry Meigs,		
D. P. Gardner,		

☞ Editors of newspapers, and other publications, especially on agriculture, are requested to notice the foregoing, and if published, and a copy of the publication forwarded, a copy of the Report of the Convention will be directed to them.

General Tallmadge, the President, addressed the meeting as follows:

I rise for the purpose of expressing my strong sense of the distinguished honour which you, gentlemen, have conferred upon me by placing me in this position, as presiding officer of this convention of practical agriculturists. From early life I have felt deeply for the welfare and high advancement of agriculture. I have long known and regretted that our agriculturists have not had justice done them—and when I say this, I beg leave to state that I here attribute no fault to our government. Gentlemen, it is your own fault. The census shows that eighty out of every one hundred of our population, are interested in the land; and derive their subsistence from labour on the soil. You have the numerical power;—you

bear the public burdens; and you shoulder the musket. It was, and it is, for you to provide for your own great interests—to assert them—and to maintain them by the exercise of your elective franchise.

Looking to the recently past condition of our country; the revulsions in all business—balances of trade against us—the exportation of specie—broken moneyed institutions, leaving their ruins all over the land—repudiation of solemn contracts! Bankruptcy! Disgrace!—painful indeed to behold, and with this, too, a neglect of legislative aid; incredible almost, among a free and enlightened people!

Remember this great truth—*That the fault is your own!* You are farmers; the country looks to you for subsistence and defence. You possess the full power to carry into execution all your just views. *But they are neglected.*

I maintain that we, as a nation, are on a footing of equality with the nations of the earth! That we have the substance and the power to show it. But from unwise measures, we have suffered other nations to overwhelm us with their productions! to draw from us the last golden eagle: leaving us in foolish controversy as to the real cause of all our misfortunes. It has become our positive duty to assert, *morally and practically*, our total independence. *What, then, do we ask of the nations of the earth?* MUTUALITY! *Equality in rights, and mutuality in dealing*, is our doctrine—and to permit very little or no intercourse on other terms. We hear of free trade. Free trade doctrine, as the world now is, is a mere bubble, blown to burst, leaving no traces behind. It is mere *Mormonism.* No, gentlemen! *There is no free trade.* There is indeed, practical farming, and we have heard of book farming. But who ever heard of *free farming* in agriculture? The man who should dare to proclaim over the country *free farming with no fences*, would soon acquire the character of insanity, if not that of idiocy. Whether any portion of the fund of half a million of dollars recently subscribed in England, to encourage the doctrine of free trade, would be applied in relief of such objects of commiseration, is not certain. The honest and noble farmer of the interior has been deluded by this airy bubble. He has been led to think that there should be, or that there does exist, some great moral equality of principle. This is pure delusion. *Free trade cannot exist! never did exist!* Nor free farming. It has been stated that the fences in the state of Pennsylvania alone, cost upwards of one million of dollars. It would doubtless be great economy to dispense with all fences and enclosures, and to have free pasturage. But it is impracticable; and so is free trade. The wise farmer must take care not only of his tillage, but of his fences. His idle neighbour, with *his fences all down, is his greatest nuisance.* It would be better for mankind to be just with each other, so as to save the expenses of courts and of all government. It is better nations should remain at peace, yet, as the world is, who but an insane man will propose to dispense with the means of national defence and protection. Let us say to the nations—*Take our agricultural productions in payment, and then we*

will deal with you! We farmers wish to purchase our clothing from our neighbour; but as he will not take our agricultural produce in payment, we cannot any longer take his manufactures. We have not specie, even for the costs, much less for 330 per cent. duties he charges on our produce. Of necessity we must employ a part of our labour to make our own clothing. I say to you, farmers! *countervail* them till they come to terms. This is no idle theory. It would have saved our country from the late disastrous revulsion! These are no false syllogisms. If you wish to know the state of your business, feel in your pockets—the answer is there. If you find a balance in specie, you never need lobby around your legislative halls for some act to wipe off your debts. If, however, free trade must be the law of our land, rather than extend it to foreigners, who do not give free trade for our produce in return, I would first afford relief to our citizens by obtaining for them *free transportation* on the canals. The cost of our canal is less in amount, than the light-houses and expenses at our seaports for foreign commerce. Take care of ourselves. It is well to sympathize with the human race. But true charity begins at home. He who does not provide for his own household is worse than an infidel.

My mind has been strongly drawn to this question. The American Institute has called this Convention upon the promptings of numerous sensible and practical men. I am happy to say to you, that the Institute received its incorporation "for the *encouragement* of *domestic industry*, in Agriculture, Commerce, Manufactures and the Arts." Its power is given alone for the encouragement of active industry in them all. All these rest and are declared to be consequent upon agriculture;—that omnipotent interest. Government is responsible for aid to all these—and that government is in fault which does not obtain or create a market for its citizens. A government which permits us to be crowded out of the marts of the world, fails in the object of its establishment.

How is it, farmers, as to your immense crops? One single illustration. I recollect the time when two, and even three dollars a bushel, were given to you for your wheat. That money went to the cultivators of our fields! When the wars of Europe ceased, we were doomed to raise it for fifty cents a bushel. We ought to have more, but under the dispensations of our policy, we cannot hope for more.

Have you ever calculated the cost of bringing your wheat to market? But you all know it. From Michigan, or any place on the Lakes, to Buffalo—that is *ten cents* a bushel; on to Albany—that is *sixteen and three quarter cents*, including *ten cents* canal toll—To New-York *three* cents. Total, *twenty-nine* and *three quarter* cents. At New-York the price being about eighty cents—you see that thirty cents off leaves the farmer fifty cents a bushel for the remuneration of his hard and honest labour. From this amount he must deduct about twelve cents per bushel for transportation in his wagon to the place of shipment; and also something for com-

mission and agencies. This illustration of the fate of one of our crops, shows that of all others. Look at this, and you will see that the farmer has not more than thirty-seven cents left for his bushel of wheat. This being so where land is cheap and productive, how is it where land is of treble or quadruple value, and less fertile?

It is time, gentlemen, *that we, the farmers of the United States, felt as one family.* If other nations will not give us *mutuality* let us have a *home* trade! Let us take care of ourselves! Our former tariff gave us fifteen per cent. ad valorem—a protection of one and a half, two, or three cents per bushel for wheat. The act of 1842 gives us twenty-five cents a bushel protection.

Germany! Thence (Bremen) the whole freight of a cargo of wheat to New-York, is from *nine* to *ten* cents a bushel. But when imported in the hold of the ship, and with emigrants between decks, at six or seven cents a bushel. *Odessa*, a region fruitful in wheat to a proverb—producing over 25 bushels to the acre—a country of Russian serfs and Turkish slaves, whose whole costume often consists of a frock of one sheepskin in front and another behind—a country in which there is scarcely such a thing as a barn—implements of domestic labour, wretched and few—wheat winnowed by immense bodily labour, in throwing it up with shovels to the winds. *Italy* and the *Mediterranean!* There, the poor labourer with his only food, maccaroni, asks but for the addition of one luxury:—a garlic twice a week to flavour it! These are countries peculiarly productive and abounding with wheat, and with labour of the most abject and servile condition. The costs of freight from the ports of the Mediterranean, according to circumstances, will average from twelve to sixteen cents a bushel.

The cost of transportation of a bushel of your wheat from the West to New-York, is *two thirds more than that from Bremen;* and about *double* that from the Mediterranean. The legislation of our country had thus provided a premium in favour of foreign grain; and had reduced our farmers to the unequal competition with the degraded and most servile labour of Europe. The act of 1842 alone redeemed them from the humility of their condition, by the protecting duty of *twenty-five* cents a bushel.

In 1836 and 37, large quantities of barley were imported on commission for brewers, in this city, at Albany, and the intermediate towns on the Hudson. It cost, including all expenses, *fifty-five* cents per bushel. During the same years large quantities of rye were in like manner imported for distillers, and all the cost was sixty-three cents. The market price of barley was at the time about one dollar per bushel, and of rye one dollar twenty-five cents. This information I have from a source in which I entirely confide for its accuracy. The distillers and the brewers at the time kept their own secret, while the consumers drank the proceeds in full gusto, at the rate of one dollar, and one dollar twenty-five cents a bushel.

These are the results of laws which you yourselves do sanction.

All our Atlantic cities can eat their bread cheaper from across the wide ocean than from our own farms. Without the present protection of twenty-five cents a bushel, it would be so obtained. If we do not make better arrangements, foreign nations will overwhelm us with their productions, again take away our specie, and leave your grain upon your hands, without either a foreign or domestic market.

So much has been said in this country of Adam Smith, that I feel the propriety of submitting a few words on the subject and history of *Political Economy.* Holland, you remember, became the great emporium of commerce, and Flanders of manufactures. These two countries are about equal in dimensions to a couple of our counties. Their most prosperous condition existed about two centuries ago. Great Britain then, far in the rear, encumbered with her *baronial* power, lacking comparative civilization, began to perceive the essential benefits to be derived from the examples of those states. She began with them to encourage domestic industry; and *when she could not establish reciprocity with Flanders, she shut her out!* The rivalry and strife, from these and other causes of contention, ran so high, that Holland set about the invasion of England. The curious will find an illustration of the spirit of that age, by reference to an original proclamation now preserved in the New-York Society Library, of Governor Andros, calling on these American colonies to aid the parent country in the then crisis of her peril. It was in those days Van Tromp sailed into the Thames with a *broom* tied at mast head, to show he had swept out the British Channel. It was in those days the country was so entirely drained of its currency, "the shops in the city of London were closed; and the Bank of England began to *pay in sixpences.*" The science of political economy was moulded into a weapon for defence.

About 1670, Great Britain began to make books on political economy—every one of them "*protection up to the hub!*" accompanied with some *six or seven hundred criminal laws, enacted to enforce the laws of protection.* Child wrote in 1670—Gee in 1730—Cantillon in 1750—Mildmay in 1760. All the most distinguished writers of England on political economy used the strongest language in favour of protection of domestic industry. *They wrote for the government.* Gee is nearly out of print; so much so, that perhaps I possess the only copy among us. This book is entitled "The Trade and Navigation of Great Britain considered;"—"*Showing:—That the surest way for a nation to increase in riches, is to prevent the importation of such foreign commodities as may be raised at home: That this kingdom is capable of raising within itself and its colonies, materials for employing all our poor, in those manufactures which we now import from such of our neighbours who refuse the admission of our own.*" Gee states that his book was written by "*Order of the Lords of Trade.*" It was printed, not to publish it, but to put a few of them into the hands of some of the ministers of state, and other great men. He had understood by some great persons, "that a

discourse upon trade would be very acceptable to the king." Such was the uniform and yet unvarying doctrine of the government of Great Britain, for one hundred years before our revolution, and is her practice at this time. When that great event was rapidly approaching:—When Holland and Flanders were *supplanted*, so effectually, that their unoccupied canals, and museums of Chinese curiosities, only remain in token of their lost trade:—When England was standing preëminent in arms and in commerce—lo! the book of Sir James Stewart makes its appearance—a book essentially teaching the then new-born doctrine of *Free trade*. This book was published in 1769. England had resolved to put out the lights by which her course had been guided to fame and fortune. At length, in due time, Adam Smith appears. His book was printed in 1775 and the beginning of 1776. The first copy of his work cannot be found among us. For one hundred years before our revolution, a high-toned protection to home industry was enacted and enforced by the severest penal laws. Since that time, about 70 years, the same practice has continued, but all the books have been free trade—a false light, erected to lead others on to shoals and quick-sands; and to secure to herself the monopoly of commercial wealth, naval power and prosperity.

Selling a sheep, or exporting a fleece of wool, was punished, for the first offence, by forfeiture of goods, his hand to be cut off and nailed up in a market town; and for a second offence, to suffer death. This last act escaped the notice of British legislators, and yet remains unrepealed, although unexecuted.

To entice an artificer, or any manufacturer, to leave Great Britain, to practise or teach his trade, was punished with penalties more severe than those now provided against enticing a slave from our southern states; while the artificer himself forfeited his estate, was declared an alien, and incapable to take property by descent, gift or otherwise. It was called "*Owling*."—*4th Bl. Com.*

When Mr. Schofield, of Waterbury, Connecticut, now living, established his manufactory of *buttons* in that town, he had difficulty to obtain artisans, and could not send them from England, but was obliged to send them disguised, and ship them from Ireland as common emigrants. Other manufactories, and especially those of broadcloth, formerly encountered like difficulties, and expedients—often sent them first to Holland or to France, and from thence to this country. Mr. Haight, of New-York, thus got out his *carpet looms*.

The export from England of any cotton or woollen machinery, was prohibited by forfeiture and penalties. The earliest American adventurers in the manufacture of cotton and woollen, encountered many dangers, difficulties, delays and great expenses in getting out machinery. It was obtained then only in parts;—from drawings, and from the memory of artisans. But from the use of one common language, and the custom of emigration to this country, the watchful hindrances of government officers and penal laws could not have been eluded and overcome. By the act 14th George III.,

it is a forfeiture, and a fine of £200, to export any utensils for the manufacture of cotton, linen, woollen and silk; and a like penalty on the ship knowingly to bring them.

The desire of Russia to manufacture, was thus prevented, till within a few years. When they learned from an American visitor, that this country made its own machinery, with American improvements on the best English models, orders were immediately given to ship specimens from Lowell, to draw on Russia for the costs to one hundred thousand dollars. This opened a new and profitable trade with Russia; and which is now carried on extensively from Lowell and Paterson, and, I believe, Matteawan; and the ports of Russia were also opened to American cotton. England, watchful for the interests of her subjects, on learning the opening of this new American trade, forthwith repealed her law against the export of machinery, and enabled her people to enter into the competition and profit of this trade.

One word as to Adam Smith. He does not say he wrote for Government, as Joshua Gee did. But the whole tenor of his work, and the time and the circumstance, prove the fact. In the form of a book on the *Science of Political Economy*, the colonies and their interests, are interwoven in many of its pages, with extensive colouring, like some of our party newspapers—with reasons for the burdens imposed upon the colonies—urging upon them the justice of submitting to *Taxation*, to aid in paying the national debt—with suggestions of amelioration of their condition—with objections to monopolies and corporations—of relief from the restrictions on their trade and manufactures—of pacification, by informing them that they were treated better than either Greece, Rome or other nations had ever treated their colonies; and adding the very delicate proposition, "that if to each colony which should detach itself from the general CONFEDERACY, Great Britain should allow a representation; a new method of acquiring importance, a new and more dazzling object of ambition would be presented to the *leading men* of each colony to draw some of the great prizes which sometimes come from the wheel of the great state lottery of British politics."

Do you inquire, who was this Adam Smith? History affords you the answer. He was a man of great talents and learning—he was a professor of moral philosophy in the University of Glasgow. He suddenly left that comfortable retreat, on being *invited* by CHARLES TOWNSEND to accompany the young Duke of Buccleugh in his travels on the continent; "and upon conditions which assured the philosopher, an amply competent independence of fortune for his future life." It gave him an opportunity to collect materials and time to write his book.

Do you ask, who was *Charles Townsend?* "He was a man of splendid talents; of lax principles, and of boundless vanity and presumption. He had belonged to every party, and cared for none." He had been Secretary at War under the *Bute* administration, and left it with discredit. He had married the widow, and become the step-father of her son, the young Duke of Buccleugh. Under Lord

Chatham, he was Chancellor of the Exchequer, and with the Duke of Grafton, Treasurer, become one of the boldest advocates in Parliament, for the *taxation* of America. He was a distinguished member of that administration, whose lot it was to succeed to the crop, and reap the fruit of the *Grenville* measures and the *Stamp Act*:—of that administration which gave *Adam Smith* the place and living of "*one of the Commissioners of his Majesty's Customs in Scotland*,"—of that administration whose misguided measures drove America into rebellion and revolution—whose corruptions provoked and called into existence the riots and tumultuous assemblies in London! and aroused the caustic and terrible pen of JUNIUS, to record them on the pages of history. Our existence as a nation is a living monument of the events of that day.

Who can doubt but that the book of Adam Smith was the work of a *partisan* and *pensioned writer* of the British Government? "The right of taxation without representation; and that not even a *hob-nail* should be manufactured in America," were the declared principles of the government. This was the foundation and corner stone of the American revolution. The seed of Great Britain's old political economy, was deeply planted with us, and among the nations of the earth. She taught one doctrine to us, and practised another for herself. And yet this book is the oracle put forward, smoothly to wipe it all away. Having failed by arms to gain our commerce and prevent our manufacturing, it is now endeavoured by this book of Adam Smith, and the writings of the miserable herd of government retainers, who have succeeded him in dictionaries, magazines, pamphlets, reviews and newspapers, to induce us to open our country to her free trade—while instead of receiving our productions in payment, she meets them with a prohibition by an average duty of 330 per cent. on all our articles except cotton.

I firmly believe that you are now furnished with a key to unlock the secrets of Adam Smith's book. That book is not, however, wild in principle. The theory is beautiful. It contains much useful information on points not affecting the colonies. To prevent being misunderstood—he expressly says, "it would be as absurd to expect to see a system of unlimited free trade adopted in Great Britain, as to expect that an OCEANA or UTOPIA should ever be established in it."

Honest Joshua Gee gives you the true light. I say with him "the surest way for a nation to increase in riches, is to prevent the importation of such foreign commodities as may be raised at home."

At the time of the negotiation of the *Treaty of Peace* at Ghent, Mr. Clay proposed to make a *commercial treaty*, on the basis of free trade, between the two countries. One of the British commissioners replied, we are appointed to negotiate a treaty of peace, and not a commercial treaty. But we could never agree to have free trade. Our policy is fixed. It is a principle of the British government *to protect alike* its subjects in every condition; whether it is the humble miner that digs the ore; the shepherd that raises a fleece of wool; the artisan that forms it into the finest fabric; or the proudest nobleman in England.

When in London, in 1836, I mentioned this circumstance, and the often repeated like proposition on the part of the United States, to agree on free trade, to Nassau W. Senior, Esq., an author, and who then had in the press a second edition of his work on *Political Economy*, and I requested of him to add a chapter to his book, explaining what a nation should do, when it had thus offered free trade, and which had been rejected: and I suggested the omission of this chapter, as a defect in the book of Adam Smith. The answer was, "it is the business of the *legislator*, and not of the *economist*, to determine the conclusions, and decide how far they are to be acted upon." (Vide Ed. Review, Oct., 1837, page 41, where my question is more fully answered in the review of Mr. Senior's book.) All this means, that *free trade* is a beautiful theory for a state of the perfectability of man. Whenever such a *political millenium* shall happen, we may not only have free trade, but may dispense with all government, and live without locks on our doors. Until it shall so happen, we must countervail the encroachments of other governments, and defend ourselves by our own legislation and protection.

One of the most frequently quoted sentences from Adam Smith—to oppose encouragement to Home Industry—is, "if a foreign country can supply us with a commodity cheaper than we can make it, better buy it of them, with some part of *the produce of our own industry*, employed in a way in which we have advantage." Again, "it is an acquired advantage which one artificer has over another; and yet they both find it more advantageous to buy of one another than to make what does not belong to their particular trades." These truisms are put forward to decoy and delude the unwary. Ask the question—what must be done? when the foreign country will not take "*the produce of our own industry*," either in exchange or as payment. The answer is, it is not the business of the "*economist*" to direct or "determine conclusions." The beautiful theory is thus exploded. The bubble is burst. The real truth of practical life is evident. It is the business, and the moral and public duty of the Legislature, to *countervail* the importations from the other country, and PROTECT, "*the produce of our own industry;*" and to command and maintain *an equality of rights, and mutuality in dealings.* "Free trade" are idle words; mere sound, like directions to be *sober, orderly and honest*, given to the inmates of our *Five Points*, without measures to enforce observance.

What is our commercial condition? Permit me to state from authentic documents a few matters of fact.

TABLE.

Total export of articles, the growth or produce of the United States, to England, Scotland and Ireland, with the duties paid thereon during the years 1838, 1839 *and* 1840 :—

1838.....	Value.....	$50,481,624	Duties,	$23,621,160..	46 7-10 pr. c.
1839.....	"	50,791,981	"	26,849,477..	52 8-10 "
1840.....	"	54,005,790	"	28,360,153..	52 5-10 "
Total..	"	$155,279,395	"	$78,830,790 Av	50 5-10 "

Of the above, the value of cotton and tobacco, and the duties paid thereon, were as follows:

1838	Cotton.....	Value..	$45,789,687	Duties..	$ 2,761,612
	Tobacco.....	" ..	2,939,706	"	19,860,898
1839	Cotton.....	" ..	46,074,579	"	1,942,337
	Tobacco.....	" ..	3,523,225	"	23,288,396
1840	Cotton.....	" ..	41,945,334	"	3,247,880
	Tobacco.....	" ..	3,380,809	"	22,537,205
	Total,	"	$143,653,340		$73,638,328

All articles other than cotton and tobacco, the growth or produce of the United States, exported to England, Scotland and Ireland, during the same three years, amounted to $11,626,055, or $3,875,351 annually. Omitting cotton, Great Britain has levied an average duty of 330 per cent. on all articles the growth or produce of the United States.

The above table exhibits these remarkable facts: That all our exports to Great Britain during the three years, amounted to one hundred and fifty-five millions, and of which sum one hundred and forty-three millions was cotton and tobacco. Thus showing that during the three years, the exports of all other articles amounted to the sum of eleven million six hundred and twenty-six thousand and fifty-five dollars, being the yearly amount of three million eight hundred and seventy-five thousand three hundred and fifty-one dollars, and including the rice, sugar, timber, &c., of the southern states, as all the yearly value of the exports to Great Britain from this country, except cotton and tobacco. How insignificant does this disclosure present the total exports and trade with Great Britain from the grain growing states! For this trade we have imports from Great Britain, and mostly at the north, amounting yearly to about fifty-five millions, of which somewhere about ten millions were by our laws duty free!

Great Britain has made a discrimination of her duties on our exports—laying on the cotton of the planter a duty of from *five* to *seven* per cent., and on the exports other than cotton an average duty of 330 per cent. With the exhibition of such facts and such benefits, who will any longer impute blame to *Charleston*, for a flurry and a flare-up, in the shape of nullification and free trade, to hold on to her benefits from such foreign regulations? With legislation of your own country which sanctions, and a *government* which *approves* such unequal results in commerce, how can you expect ever to have either a market or fair price for your produce?

The difference afforded by British regulations of a duty of *five* per cent. on cotton, and of *three hundred and thirty* per cent. average duty on all other produce of the United States, explains the cause of the many feuds among ourselves on all questions of tariff and revenue—of constitutional doubts of encouragement to domestic industry—the violence against any discrimination or protection—the necessity of a horizontal tariff, and a limit of our duties to twenty per cent. *ad valorem*—and all which is well expressed to adherents, by the commendation, of being "a northern man with southern principles."

The statement of the export of forty-five millions of cotton from the southern states, in contrast with three millions eight hundred and seventy-five thousand dollars as all the export from the grain growing states, shows not only a depression of the interests of those states; but should ever bring into consideration the immense value of the varied domestic productions of those states, in agriculture and manufactures; and which goes into the commerce with other countries; or without exhibition, is consumed in the domestic support of the nation. Without detailing the whole, let it suffice to say;—the single state of Massachusetts, sends out yearly, leather, shoes, hats and manufactures, more than equal in value to the cotton crop of the whole south. A return and exhibit of her yearly created wealth and production in agriculture and manufactures in 1840, amounted to *ninety-four* millions of dollars. The capitalists of England, so well understand and appreciate the wisdom of measures which lead to such results, that they readily supplied on the credit of the state, the necessary funds for their Great Western Rail-Road to Albany, and took the loan at a discount of about seventy thousand dollars below par. Must it be added!—that the national government could not at the time make a loan, at par, to meet its current expenses!

Take out of our exports, cotton, and England would almost sink without it. It is a raw material which she must have for her manufacturers, and she cannot exist without it. She has tried in vain to raise it! She has ransacked the world to find it elsewhere, and not to rely on us for it.

On the forty-five millions of cotton exported to England, compute duties at the same rate of 330 per cent., which is charged on all other articles exported from the United States, the amount of duties would be - - - - - - - - - $148,500,000

Deduct the 5 per cent. now charged, - - - 2,250,000

$146,250,000

This annual sum of 146 millions, as the difference between the rate of the duty on the favoured cotton and the average rate of duty on all the other exports from the United States to England, certainly makes up a very comfortable purse; and which is the saving, and belongs between the cotton planter of the South, and the English manufacturer and trader. It affords a volume of very valuable explanations of matters touching the past and the present. It explains, among other things, the feuds and mysteries in the administration of our own government, and the instability in all our concerns. It tells why our exclusive patriots must have "a tariff for revenue only;" and to lessen that amount, they have opposed the reduction of postage and the distribution of the land sales: an horizontal tariff, and duties limited to 20 per cent. ad valorem, to meet the English duties of 330 per cent. average rate, on the tobacco, rice, timber, grain, and all the produce of the United States, other than cotton.

It explains the peculiarities in our elections, and the conduct of men and measures. It invites, and must be left to the deep reflection, of every individual influenced by love of country.

The history of the growth and production of *cotton*, showing the increase in the quantity, and the reduction in the price, is replete with lessons of importance to this country. A single illustration must suffice for the present occasion. The price has varied in the New-York market, from 36 cents, to the present rate of 5½ cents per pound.

1830—1.	Crop, 1,038,000 bales, (400 lbs.,) at 11¾ cents, or $47 per bale, is	$48,680 000
1843—4.	Crop, 2,030,000 bales, at 5½ cents, or $32 per bale, is . .	44,660,000
		$4,020,000

Thus showing, that double the quantity of cotton, in 1843, is $4,000,000 less value than one half the amount in 1830. As the quantity has increased, the price has diminished. For many years past—take an average of ten years—the amount of production has doubled, and the price has receded one half. It is a momentous and desponding truth for the agriculturists of the south. Can the increased demand for labour, for expenses and land, for this doubling process, be much further sustained? It is cause for anxiety, that the recent English papers announce, "that the INDIA COTTON has increased last year 40 per cent., and so much improved in quality as to compete with the New-Orleans, in the Liverpool market."

It is worthy of remark, that the manufacturers of the North are the steady customers of the South, and have, in every ten years, doubled their demand for domestic consumption. Had not their manufactures been in the market, England would have stood without a competitor, and would have named her own price to the cotton planter, for his bales. She now looks soon to accomplish her wishes, and to obtain her supplies from India. Wheat, cotton, the shipping interest, and the carrying trade, as a nursery for seamen and national defence, need better legislation, and without either sectional prejudice or party diplomacy.

Great Britain would gladly pay the whole expenses of our Government, for the privilege to introduce her manufactures into this country, free from the hindrances of our tariff. The amount would be only about twenty-six millions, to be taken out of the one hundred and forty-six millions now gained by the discrimination on cotton; besides the benefits to her manufacturing interests. She would assume and pay to her subjects the whole of the debts now repudiated by some of our States, for the advantages of the free trade, which her agents and partisans so busily endeavour to obtain for her.

The grain growing states might with propriety assent to the often repeated proposition of the South, *for an horizontal tariff for revenue; and limited to 20 per cent. ad valorem:* and in return, to require that an horizontal tariff of other countries, placing *cotton*, and

all the other produce of the United States, upon a *uniform rate* of duties, should be enforced as the basis of our trade with them. If the horizontal rule is essential for our imports, it is equally so for our exports. Such a measure would adopt the free trade *taught* by England, and might be enforced by an act of Congress prohibiting the importation of the manufactures and produce of any country, which did not accede to such a measure of equal and exact justice. The known love of our cotton growing brethren for equal rights and exact justice, will induce them readily to adhere to their own proposition, thus carried into operation on equalizing principles. It would be an harmonizing measure, and would remove and allay all the feuds and vexed questions among ourselves, and which now agitate our nation.

Real reciprocity in trade is indeed very excellent, if we could but have it. It would be a thing we never yet have had or seen. Great Britain can never afford it to us; and were she to-morrow to repeal her corn laws, and open her ports to foreign supplies, it would be no manner of benefit to us. It would shorten the distances and freight of the bread-stuffs from the Baltic, from Germany and from the Mediterranean, which are now pressing to get into our market. They would fill up immediately the British market, and undersell and crowd us out. "Wheat at Odessa is about forty cents per bushel, and the cost of transportation from that port to London about one third less than from the United States." (*Vide Jacob's Report to Parliament.*)

The agriculturists of England are amply protected by their *sliding scale of duties*, so called. It secures to them, not only both an high price and a steady home market, but also the control of foreign importations. It is thus accomplished. A price is fixed for grain: if the market price falls below it, then foreign grain is shut out. If the market price rises above the price fixed, then foreign grain may be imported on a high duty. As the market price goes up in times of scarcity, the duty comes down.

To explain: If our government should pass a law that no wheat should be imported when the market price at seaport should be below $1 50; if it rises above $1 50, then importations to be admitted on a duty of 50 cents a bushel; if the market price should rise to $1 75 per bushel, then a duty of 37 cents a bushel; if to $2 00, then a duty of 25 cents; if to $2 25, then a duty of 12 cents; if to $2 50, then to admit foreign importations, *duty free*, to prevent a famine. Such is the English sliding scale of duties to protect their agriculturists. We farmers would think such a law of Congress afforded us pretty good protection; but it is only English free trade for other countries.

It should be remembered the public documents show that the home produce of grain in England, supplies the demand for her consumption, within *one nineteenth part* of the whole amount required. This small balance she obtains principally from and through her

colonies; securing the carrying trade to her shipping and ship building interest; and the residue she catches as she can, and where she can drive the best bargain. We cannot gain any thing by, and we have no motive to enter into, the scuffle; we had better look about and see all these things in a true light, and begin to take care of ourselves. Follow the doings, and not the teachings of Great Britain. That government exercises a paternal care for all her subjects. It feels pledged that no one of them willing to labour, shall need employment or want a market for his productions. With her superabundant population to provide for, she has difficulties to encounter. Hence, PROTECTION to *her subjects*, is her policy and practice; her books and teaching for others is FREE TRADE. When the British ambassador not long since opened his doctrine, and urged the French government to the adoption of free trade, monsieur the minister answered with a *s'il vous plait*, "When your government begins to *practise* free trade, we will think of it."

Previous to the commencement of manufactures in New-England the western farmers found little market with us. In addition to their grain;—cattle, sheep, hogs, &c., in almost innumerable quantities, are now continually driven out for the markets of Philadelphia, New-York and Boston. Have free trade for one month, and all this only market of the farmer of the West, will be broken up and their prosperity gone. Now, the cattle of Missouri, Illinois, &c., are driven out—fatted in Ohio, Virginia, Pennsylvania and Western New-York, and sold at Brighton to feed the inhabitants of Boston, Lowell, &c. It is the manufacturers, the ship-builders, and the commerce of the Atlantic cities, which supply consumers, and create this home market.

Before the establishment of manufactures among us, the East India trade was a continued drain on our specie. We had nothing else to ship, to carry it on. Manufactures are now supplied and shipped in such amount, as nearly to equal the imports of that whole trade. Agriculture cannot prosper, without the first prosperity of commerce and manufactures. Very many farmers now have experience and intelligence to know this, and integrity to declare it. You cost the country nothing, and you pay for diplomacy, ministers, and every thing. You wish only a market, either foreign or domestic—you are silent and forgotten.

I will not inquire the immense value of all your yearly crops. But have you ever cast a thought upon *your potato crop alone*, as to its value? compared with all your exports to England, (except cotton.) The last census shows that one hundred and nine millions of bushels are the customary yield of one year, which, estimated at a quarter of a dollar per bushel, gives $27,000,000:—or *seven times* the value or amount of all the residue of your exports to England, (taking out the cotton and tobacco.)

Since the establishment of our government, we have already three times tried free trade. Each time it brought us to the brink of dissolution and ruin. And why are we not satisfied with the experi-

ment? The first time was soon after the revolutionary war. England crowded in her manufactures upon us. The price of our labour was reduced to thirty-seven cents per day. The government, without adequate revenue, was obliged to resort to internal duties and direct taxes. The second time was in 1816 and 1817, when in like manner we were again flooded with foreign goods, and Matthew Cary says labour was depressed to a still lower rate. A resort was again had to direct taxes. The third experiment was about 1840–41, at the running down of the ever memorable and execrable compromise act. Each time the balances of trade were against the country, and its specie was drawn away. Universal distress took its place, and crushed under its iron feet, the productive industry of the country, and the hopes of the nation. On the recent and last experiment, the CREDIT SYSTEM added its charms to the triumph of destruction, and the indelible stain, to remain for posterity, was deeply impressed by *Repudiation.*

It has been long known that the MINT of a country is not less accurate and certain in showing the prosperous or adverse condition of its commercial concerns, than a thermometer is to indicate the variations of the weather from heat and cold. More than one hundred years ago Joshua Gee wrote:

"To take the right way of judging of the increase or decrease of the riches of the nation by the trade we drive with foreigners, is to examine whether we receive money from them, or send them ours; for if we export more goods than we receive, it is most certain that we shall have a balance brought to us in gold and silver, and the mint will be at work to coin that gold and silver. But if we import more than we export, then it is as certain that the balance must be paid by gold and silver sent to them to discharge that debt. I am afraid that the present commerce of ours carries out more riches than it brings home. Whereas, formerly, great quantities of bullion were brought into this country by the balance of trade, and coined into money; the tables are turned, and as fast as we import bullion, it is sent away to pay our debts. We send our money to foreign nations, and by employing their poor instead of our own, enable them to thrust us out of our foreign trade; and by imposing high duties on our manufactures, so to clog the importation of them, that it amounts to a prohibition."

The almost prophetic accuracy of this quotation, will appear, on reference to the last official returns from our *mint:*

"*Whole Coinage of the Mint and Branches of the U. S. from* 1792 *to* 1843.

For 1836.....	$7,764,900 00	For 1840.....	$3,426,632 50
1837.....	3,299,898 00	1841.....	2,240,321 17
1838.....	4,206,510 00	1842.....	4,190,754 40
1839.....	3,576,467 61	1843.....	11,967,830 70"

That this return of the mint should thus have contrasted so strongly with the buoyancy and the spring given to business by the tariff of 1842, and exhibiting the amount of the whole coinage as two or three millions per year, before the act; and the sudden rise of the amount to nearly twelve millions in 1843, immediately after the passing of the act, is very extraordinary. Its genuineness might even be doubted in these times of party, did it not bear the name of *John Tyler*, and date 20th of January, 1844. It must be true.

All these great questions of commerce, in all their consequences, are so immediately connected with agriculture and a market, I cannot forbear to mention one other subject of great and commanding importance to the nation—I mean our numerous RECIPROCITY TREATIES, so called. It is the misuse of the term, and the *permitted* abuse of those treaties, which calls for remark and public consideration. The injuries arising from those treaties are very great, as they are expounded and carried into effect, on us. Most of the nations of Europe have Colonies in different parts of the ocean—the East or West Indies. But to be brief, I must illustrate by a single case. Great Britain readily makes a reciprocity treaty with the United States. It bespeaks great equality and mutual kindness. The flags and ships of each other are put upon the same footing in each others' ports, and to be received without distinction or discrimination. It looks all well. In *practice*, under the treaty, an American and an English vessel load at *London* with the same goods, and come in together at one of our ports. The duties collected must be upon the goods, and no difference in which ship the goods come. This country has the right, and so has England, to lay whatever duties she thinks proper on the importation of the goods into their respective ports. England accordingly imposed a rate of duties on produce from the United States, so high as to be a prohibition, and a rate of duties on like articles from her own colonies, so low as to be nominal. The effect of this is, that the American and the English ships which came out together, can neither of them take a return cargo of such articles from the United States to London, or any port, on account of the high duties. But the British ship can take the same articles from our ports and *sail to the nearest British colony*, touch, and then proceed on to London or any port. Her voyage is now from the colony; and she pays only the colony duty on the very articles she took from our port. Thus she sails around the *reciprocity treaty*. The American vessel is not allowed to go from the colony to England; can make no voyage; has no market, and is left in our docks to decay. The British vessel soon again returns with another cargo of British manufactures. Thus, in the circle of her voyages around the Reciprocity Treaty, she is in the sole possession of her own and our carrying trade; encouraging their ship-building and shipping interest, and employing and training their seamen and vessels in the very trade sacrificed to this country by our American negotiations.

We have heard, to use a modern and homely phrase, of "going the whole hog." But what farmer's boy ever supposed, because he had bargained for the *old mother*, that he had bought the whole *litter*, not mentioned in his agreement. It is the taunt of Europe, that none but American diplomatists, could ever have supposed a treaty with any nation, embraced their colonies not mentioned in it.

RECIPROCITY.

These few articles will serve to illustrate the whole :

Duties.	From the U. S.	From British colonies.
On boards or other timber, per load of 50 cubic feet,	$7 68	$0 48
On oars, per 120,	36 00	90
On handspikes, per 140,	9 60	24
On spokes for wheels, per 1,000,	19 20	48
On firewood, per load of 216 cubic feet,	2 40	free
On bacon, 112 lbs.	1 75	84
Beans, bushel,	2 26	75
Beef, bbl.	3 58	87
Butter, 112 lbs.	5 00	1 12
Cheese, "	2 37	58
Feathers, "	5 00	2 25
Flour, bbl.	1 44	34
Pork, 112 lbs.	1 87	44
Rice, "	1 37	12
Spirits from grain, gall's,	5 62	2 00
Oil, linseed, ton,	30 00	5 00
Tallow, 112 lbs.	79	06
Wheat per bushel, on sliding scale, prohibited unless almost famine,	00	06

The course of this trade, is, for British vessels to come into our ports and take a cargo of American produce, and sail—if at the east, for Halifax or an eastern province—if at a southern port, for a West India Island—and having touched thus at a British colony, the voyage is then homeward from such colony. This avoids the reciprocity treaty—secures the carrying trade of our grain, timber, &c., as also the benefit of the discriminating duties in favour of the Colonies.

The extent of the perversion and abuse, under the *Reciprocity Treaties*, will appear in part from a recent treasury document, stating "the commerce and navigation of the United States." It states the "*clearances*" to the Province of New-Brunswick to be, 154 American, and 1,267 British vessels, (for nine months,) from 1st October, 1842, to 1st June, 1843. The American were mostly in pursuit of *plaster* for the New-England states. The British vessels were in the carrying trade of our timber, lumber and fish, and to *touch only* at New-Brunswick, and thence home, paying only their colony duties on our timber, &c., and which is prohibited to American vessels.

The table of "*entrances*" will illustrate.

	American.	British.
Passamaquoddy	63	431
Portland	42	62
Portsmouth	8	50
Gloucester	2	31
&c., &c., &c.		

These facts sufficiently show the destructive course of this business.

The trade on our lakes is equally bad!!

EXAMPLE.

	American.	British.
Niagara	24	224
Genessee	38	88
Oswegatchtie	95	212
Detroit	2	31
&c., &c., &c.		

We have needed the services of a PERRY, and a MCDONOUGH, on our Lakes. Mark the *preparation* our government and legislation are making, for such future events!

In March, 1841, I came up the Savannah river, and there saw eleven large British vessels lading with Georgia timber—no American vessel there! This course of trade is not allowed to an American vessel. *Reciprocity in* TRADE, means—our ports open to her commerce—her ports shut to our commerce. It is much better for her than free trade. In that, we should be in competition with her; in the *reciprocity trade* we are shut out.

But this reciprocity trade is not restricted to our country or to our productions. The treaty extends to Brazil, to Hayti, or any part of the world where the enterprise and the voyage of an American vessel can be defeated.

FREE TRADE.

"Foreign coffees are charged 1s. 3d. per pound duty. Colonial Coffees only 6d., while Coffees imported from the Cape of Good Hope, pay 9d. Now as the cost of sending, in an unusual and indirect way, Coffees from a foreign country to the Cape of Good Hope, is only from ½d. to 1d. per pound; very large quantities are *shipped* from Brazil and Hayti to the Cape: and thence *re-shipped* to England."—*Report of a Committee to Parliament*, 1840.

"Have cargoes of Coffee been sent *from the United Kingdom*, and from ports of the Continent of Europe, to be landed at the Cape of Good Hope, and thence to be brought back to the United Kingdom, for the purpose of supplying the necessary consumption here? Yes: from 26th April, 1838, to 24th March, 1840, it appears by the returns that 81 cargoes, importing more than 21,000,000 lbs. of *foreign coffee*, had arrived in the United Kingdom, from the Cape of Good Hope. The duty on that mode of carrying coffee is 9d. per pound. If entered from a foreign country, 1s. 3d. The duty saved by the *indirect importation* would be £750,000 sterling, (about $3,750,000.")—*Examination of McGregor annexed to Report.*

The intent and meaning of this is, that the American vessel can not take the coffees to pay 1s. and 3d. sterling per pound, in England. She is not allowed to go with a cargo from the English settlements at the Cape of Good Hope to an English port. The British vessel takes the coffee, touches at the Cape, and thence her voyage is home, where she pays 9d. per pound, duty—with only ½d. or 1d. per pound for increased cost of her indirect way. Should the American vessel take a cargo and conclude to bear the difference of duty, the English vessel would soon arrive, and with its difference of duty in her favour (being twelve cents per pound) would undersell and ruin the American voyage. Thus the American ship-owner with blighted hopes learns, that his own government has not only negotiated him out of the carrying trade of his own country; but has also turned him out of the carrying trade between all other nations and England. It is apparent that the English government negotiated for its subjects; but it is very difficult to say for whom the American government negotiated.

Our neighbours, the Spaniards, have also learned something of this mode of commerce, and of the kindness of our government under any outrage in its commercial arrangements. She too has provided a duty on cotton, so high as to prohibit its importation in

American vessels; while it is brought from her colonies in her own vessels at a nominal duty. Some few years ago, I went from New Orleans to Havana, in an American vessel laden in part with cotton. I noticed the course of the trade. On arrival at Havana, the cotton became the *produce* of *Cuba*, and was then shipped as such, (with the New-Orleans bags, and marks upon it,) in a Spanish vessel, for Old Spain, and paying only the colony duty.

These measures show the devices to gain our trade, to exclude American vessels, to injure their carrying trade, to lessen their shipping interest and ship-building, to depress their commerce and navigation, and all in violation of the faith of a treaty professing to be reciprocal.

Among the many fruits of these measures, is the growing increase, within the last few years, of foreign tonnage in the American commerce. The *entries* and *clearances* (not coasting) at some of our ports are more than three quarters foreign. The official tables are not now at hand to give particulars.

After the war of 1812, with England, her provinces of New-Brunswick and Nova Scotia laid heavy duties ($4 per ton) on the export of Plaster of Paris. It could not then be obtained from any other sources. The Onondaga plaster was not then much known, and the canal of New-York was not yet opened for its transportation. It was then deemed an essential in agriculture, and a price was paid for it by farmers sometimes as high as thirty dollars per ton. It became an important trade for those colonies, and to make their monopoly complete, they each passed laws, prohibiting the export of Plaster of Paris in any foreign vessel, (meaning any vessel of the United States.) When those acts became known among us, Congress promptly passed an act declaring the forfeiture of any ship or vessel with Plaster of Paris, and denying an entry into our country, after the 4th day of July next, of the *flag* of any nation or her colonies, which so excluded American vessels from their trade. JAMES MADISON "APPROVED" THE ACT, 3d MARCH, 1817. The British minister soon afterwards communicated to our government the REPEAL of the colonial acts; and JAMES MONROE issued the proclamation suspending the act of Congress. (*Vide Laws of United States.*)

These were Presidents of the country, and not of *the Party*. They belonged to the line of the revolution. Would they have listened to free trade on one side? or endured, under a reciprocity treaty, the prohibitions and practices now claimed and *permitted* under it? The late Hon. Rufus King, a gentleman, a scholar and a statesman, then our Senator, was efficient in passing the preceding act. A doubt being expressed that the act prohibiting the *entry* of the British flag, might lead to a war; he promptly replied, "I hope not: but if it does, we must meet it. If we are not able to maintain our Independence, we had better go back to the condition of colonies, and get protection in that relation." What a change has come over the country!

Gentlemen! we must thoroughly understand our condition; appreciate its realities, and at all hazards maintain our independence and our demands for equal rights as a nation. United as a people, and acting with one spirit for the common welfare, other nations would not dare to encroach on our privileges. With more devotion to our country, and less zeal in the discipline of party, our public officers and representatives would not be found to lack capacity to understand, nor time and spirit to take care of, the public interest. The burdens fall on the agriculturists, and they must devise the remedy.

The American Institute will communicate to you the proposition and recommendation of the illustrious Washington, to establish a *Home Department for Agriculture;* now too little regarded in the strifes of foreign politics, and other domestic interests. The expression of your sentiments on these subjects, will aid to form a public opinion, and promote the great results.

On motion of the Rev. Mr. Barlow, it was *resolved*, that the thanks of the Convention be presented to the President for the very able and eloquent discourse just delivered; and that he be requested to furnish a copy of the same, with such additional notes and illustrations as he may think proper, to be published in the Report of the proceedings of the Convention.

He said that he had listened to the remarks of the President with unmingled pleasure; and wished to see them put into a permanent shape, spread upon the pages of the journal, circulated in the form of a tract, and read by the millions of our countrymen.

The subject which the honourable gentleman had handled with such distinguished ability, was one of vital consequence to the common weal, touching alike the prosperity of the individual, and the independence of the country. The facts and the reasonings upon them, which had been submitted to their consideration, "came home to the business and bosoms" of the American people, affected every branch of our domestic industry, lay at the foundation of our national prosperity, and should be comprehended by every farmer and mechanic, and, if it were not too much to hope for, might be profitably studied by our politicians and statesmen, when they could find leisure for such matters.

He thought that the country owed a debt of gratitude to that gentleman for the services he was rendering to it. In serving as the President of the American Institute, and the Silk-growers' and Farmers' Conventions—in lending to those Institutions the support of his personal influence, and the aid of his great experience and wisdom, he was performing a more valuable service to his fellow-citizens than any party President had found leisure to render to his constituents, and one which a future age would appreciate, however it might be overlooked in the present one. The dispenser of truth to the masses occupies a position of higher moral dignity than the mere distributor of the spoils and alms of government patronage to the hungry cormorants which beset the public treasury. These Institutions are the nucleus around which are to be gathered all the scattered facts and truths which may conduce to the intelligent legislation of the country, and the proper direction of its industrial energies; and from these centres the streams of light should radiate upon all the classes, and all the interests of the people.

Truth emanating from this source would be likely to command their confidence. The members of this body recognised no distinction of parties, political or religious. They had no purpose to serve but the good of the country. They contemplated no measures but the collection and diffusion of truth. No party motives could influence their action; no party prejudices, he hoped, would close the ears and hearts of men against opinions resulting from experience and inquiry, and proposed in the spirit of candour and kindness. If it should ever be the good fortune of the American people to come to any substantial agreement on the vexed questions of political economy—if they could ever be brought to see that they have a common interest in adhering to the right and just in regard to those principles—and that, if by compromising them, "one member of the body suffer, all the members suffer with it;" these happy results will be brought about, not by the ephemeral and sinister discussions of party hacks; not by the interested special pleading of partisan legislators, but by the silent and gentle suasions of truth and reason, proceeding from this, and other similarly constituted bodies of honest, patriotic and practical men—men who come here to bring each one his own little contribution of truth which he has gleaned from reflection and experience, and who go home to carry to their neighbours all the truths which they can bear away from the common stock of their associates.

A distinguished statesman has recently declared in public, his opinion that the agricultural interests of the country need no protection. The ignorance and fallacy of this opinion have been demonstrated in the address of our chairman, by arguments which can no more be disturbed than the bases of the Rocky Mountains.

All the changes have been rung in our ears on the imported theories of *free trade*. It has been shown to be an unattainable impossibility—a phantom used by knaves to mystify fools, a mad system of policy which could not be adopted by our country while it is rejected by all other countries, without working immediate ruin of half our population, and the ultimate ruin of all.

It has been made evident that the systems of Political Economy which have bewitched our demagogues and mystified so many better men, were in fact manufactured in England for the especial use of foreign countries, and especially of the United States. Systems expressly designed to be "honoured in the breach" at home, and here "in the observance." Great Britain preaches free trade to other nations, but at home puts in force the most rigorous system of protection. It is to be doubted whether in all Europe there are ten men who are such besotted dunces as to think such a system practicable or desirable at home; but they like to see them spread here. In this country, however, we shall never cease to have free trade politicians and presses, while England is willing to foot their bills. The President justly calls this *political Mormonism*. It is like Joe Smith's preaching a community of goods to his dupes, while he himself held the key of the treasury.

The right of the American citizen to the protection of his industry against the competition of the pauper-labour of Europe, and the duty of our government to grant him that protection, have been proven with all the clearness and certainty which can attach to any truth of science.

These are matters upon which it is important that American citizens should be well informed. This would put an end to some of the vexatious disputes which distract it, and give that stability to our legislation in the premises, without which the manufacturing interests of the country will sustain only a dying and precarious existence, and all branches of our national industry be deprived of some portion of their just reward.

The questions whether the labouring population of our country should be permitted to manufacture for us, themselves and the country, and at the end of every twelvemonth put seventy-five millions of dollars into their own pockets; or whether, on the other hand, they shall be crushed into the dust by a system of free trade, and their wages reduced to the standard of compensation received by the Russian boor, the European peasant, and the half-starved operative of England—are questions which touch the heart and life-blood of the nation; and they must be submitted to the judgments and ultimate decision of the producing classes themselves. While they love to be deceived by demagogues, nothing is easier than to deceive them. When they come to understand their true interests, they will *protect* them.

It has been said that armies of principles can march where armies of soldiers cannot. Our country affords an illustration in point. All the military forces of England could not reduce these states by arms. It is humiliating to find that a few of her pensioned book-makers and editors can govern us by theories, and reduce us to a condition more degrading than that of colonial dependence. It is mortifying to perceive that American citizens have not yet made up their minds on the issue, whether we shall do our own work, keep our own money, protect our own poor, and maintain our position of proud and virtuous independence, or whether we shall surrender to British theories, supported by British gold, those sacred rights which could not be wrenched from us in fair battle; allow our own country to be impoverished to increase the overgrown wealth of Europe; buy their knick-knackeries at their own prices while we have money or credit,—and when we have neither, to submit to the distresses of poverty at home, and the ineffable infamy of bankruptcy and repudiation abroad. If England would come upon us with fleets and armies, we would drive them back. Alas! "our enemy hath written a book." It will do us more hurt in the long run than a million of armed men could do! She fills our cities with her importing merchants, buys up our free trade editors with her loose change, manufactures our opinions for us as well as our gew-gaws; chains our intellects, while she palsies our hands; sends us whole armies of vagabonds, paupers and felons to look after our ballot boxes, and is in a fair way to make her theories and her bribes cost us more money and national honour, than an hundred years of honest war.

The only hope of the American patriot, is in the diffusion of truth among the people. The address of our venerable President has shed a flood of light upon these questions; and it is to be wished that it might be read, pondered, remembered, and acted upon by every American who has a brain or a heart still true to his country.

Some very interesting communications and discussions on various agricultural productions followed.

Mr. Hopkins, of Albany, produced very fine specimens of teazles, and gave a highly satisfactory account of his mode of treating them.

Col. Clark and others gave their history. Many pertinent facts, observations and experiments were communicated in course, and directed to have a place among the records of the Convention. Committees were appointed to prepare an address and resolutions.

Henry Meigs, Esq., addressed the meeting at some length, with great zeal and power, in favour of carrying into execution General Washington's Home Department for Agriculture.

A committee was appointed to prepare an address and resolutions, and adjourned till 10 o'clock, to-morrow.

At 7½, P. M., the members of the Convention met to hear an address on agriculture, which Dr. D. P. Gardner had been invited to deliver, as follows:

GENTLEMEN:—We are told that the agriculture of England is vastly in advance of ours; that her fields produce forty and more bushels of wheat the acre; that she pursues a suitable rotation, and is worthy of all imitation in the field. All these facts may be true, but I unhesitatingly assert that her agriculture is not worthy of imitation. Her lands, tilled for ten centuries, have fallen into an exhausted state, and are altogether different from ours in all that respects their mineral composition. Her system of manuring proceeds on the principle of applying *enough at all events;* her farmers can see nothing but tons, cart loads and sloop loads; they turn in 600 bushels of lime. There is neither economy nor adaptation; with a few exceptions the substances applied are so complex in composition that it is literally adding every thing under heaven. A compost of stable manure, street dirt, animal offal, ashes, rape dust, refuse from the maltster, soap maker, marl, and a dozen other things, contains every element, and a great deal more, that every plant in the world requires. Will men never learn that the grain of a crop of wheat of twenty-five bushels requires but twenty-one and a quarter pounds of salts from the earth. If such be the case, wherefore apply thirty tons of manure? There is something in fault—either the composition of the manure, the nature of the soil, or the time of application—for is it not a lavish and extravagant addition? This is not the farming for us to pursue; we require economy, condensation, diminished labour, and withal an increased crop. The mere forking, pitching and spreading of such Titan masses, costs more than the entire cultivation of the land with us.

Gentlemen, this is not agriculture; it is scarcely better than the plan of skinning. They do not, it is true, exhaust their soil, but maintain its fertility in pretty much the same way as a man maintains his treasury who takes out a dollar with one hand and returns it with the other. Sums of two thousand five hundred dollars per annum are paid by *lessees* of five hundred acres for manures. It would be the same if these farmers had no soil at all, but carried on operations on the flat roofs of houses. The manure yields the crop, not the land. Yet they pay for the soil twenty-five dollars the acre, rent. If you can trace economy, or adaptation to our wants, in these things, then encourage onwards the present ill-judged imitation of our worthy ancestors in their agriculture, which is the theme of most journalists, the *pons asinorum* of many of our improvers.

But before I leave the subject of English agriculture, let me beg you to consider, that the very trial they have passed through is of infinite importance to us. I think too highly of the Anglo-Saxon intellect to suppose that all this confusion and lavish extravagance is the result of dullness, or a proof of want of mind; it is one of the fiery ordeals in which all men's actions and attempts at improvement must be tried. It is a part of that onward march of inductive knowledge that accumulates

materials for classification; it is the triumph of experiment directed by separate intelligences, and not yet elaborated by the united mind of the age. With all its coarseness it is incomparably the best that has appeared, and the people who have struggled through the chaos of our art, are the first to desire, the first to receive, the indications of the modern philosophy of agriculture.

As the heterogeneous labours of natural philosophers were found to contain the germs of bright knowledge, and the method of mining and separating the dross was shown by the immortal Bacon, so that other giant, Liebig, has taught men to discover, amidst the indefinite practices of modern agriculture, the seeds of principles which ere long shall spring up, bear blossoms and fruit to our benefit, and the benefit of future man.

The English and Scotch are the pioneers in this new science of agriculture. In France it is yet a matter for scientific men; in Germany the occupation of the student; but in Britain it is in the hands of the people. Already Johnston, Playfair and Traill, are searching through the accumulated rubbish of practice to separate the pearls of truth. There is an enthusiasm evident on all sides, the first indications of a combined intellectual movement, and before long those *bold guesses* of the master intellect Liebig, will have been verified by practice, or remembered only as the scintillations of genius.

This is our path; learning wisdom from the past, let us rush forward with the first ranks. I am proud that in this assemblage I am not alone in this desire; that many are pursuing the same course as myself, emulous of contributing something to that rapid advance of agriculture that shall constitute it a science, profound, exact and brilliant.

A change has come over men. We trace the first dawnings of the theory of gravitation centuries back; we mark the appearance of mind after mind, unfolding, step by step, the conception, and dying proud of adding a drop to the well, immortalized by the establishment of one insulated fact approaching to the generalization; and thus, from Thales to Newton, during twenty-three centuries, this discovery was moving to its completion. From Hero to James Watt, upwards of eighteen centuries elapsed before the expansive vapour of steam could be turned to its present advantage. But in our day this is not the case; that very machine, by giving wealth and ease to many, or as the false philanthrophist says, by "throwing many out of employ," has caused numbers to look forward to scientific pursuits as a source of honour and distinction. Knowledge does not now advance with the easy gait of one unemployed; she no longer trifles with butterflies on the way, and pays court to a surly monk, that bestows a passing notice, or turns to admire her celestial form; the vigour of womanhood is in her frame, she moves with activity, scarcely noticing her host of worshippers. All the energy of rivals, all the eagerness of suitors, are the distinguishing marks of her train. *A day matures the labour of an age.* The light of a new fact scarce glimmers in the morning, and ere night it is in the zenith, glorious with truth. And the disciples of truth; they must strive and toil for a little fame; no longer looking to chance or birth, but depending upon industry, enterprise, and extensive knowledge. For whilst it is too evident that many have mistaken the necessity for profound attainments in our age, and imagined that a smattering only is of advantage,

there is no question they will neither attain distinction, nor enjoy even an ephemeral reputation. The speculation of the superficial theorist is dissected and laid bare with a rapidity that makes men cautious how they expose themselves to ridicule, or the malice of their rivals.

Grounding our knowledge in the truths of those sciences which teach the constitution of the soil, its minerals, the laws of their decay, and its relation to atmospheric and subsoil water; of the vast ærial ocean that is gathered over the earth, the laws of its movements, composition and change; the operation of cold, heat and electricity on its physical and chemical characters. The organization of plants, the internal forces which direct and control their fluids, the means of developement, and the wonderful secrets of their florets and seed vessels, their capacity for improvement; by what laws the peach is transformed to the nectarine, the sloe to the egg-plumb, or the crab to the Newtown pippin; why the unpromising apium, poisonous and harsh, furnishes our tables with sweet and crisp celery. The structure and life of animals, the origin of their force, animal heat and movements, the adaptation of food for producing muscle and fleetness, or developing fat. The mutual reaction of these laws and truths upon one another. How the tough fibre of wood becomes sugar in darkness, and gum yields animal muscle in its combinations with ammonia. This glorious field of study, rich in discovery, full of startling novelties, teeming with incessant instances of wisdom, power and adaptation, will elevate the mind, enlarge our conceptions of the Creator, and liberalize our relations to our fellow-men.

But this is not all. The farmer, instinct with power over these truths, feeling that his position gives him control over all the matter here contemplated, directs the forces of nature to his wants and for his profit. Does he discover that electrical energy is wanted to advance maturity? he arranges the battery of Bain. Do his exotics demand more light? he borrows the mirrors of the optician. In short, he is the master of vegetation. With what a new and refined eye he looks upon the tender shoot of grass as it bursts through the yielding earth, puts on leaf by leaf, and swells into the symmetry of its ripened form. No longer a worthless weed; no longer the selfish pride of proprietorship, or the prospect of gain arise alone in his mind. Those leaves are the product of his care; upon the barren sand his skill prepared their bed; his science supplied the food, and now they rise to do homage to his power, to return a thousand-fold the favours given. But what are these delicate creations? *What is a blade of grass?* In structure no more than a series of minute cells, the coats of which, endowed with the physical power of a sponge, absorb some fluids and reject others. Yet so wisely is this choice regulated, that only bodies of a peculiar organization can enter. Starch, fats, and the azotized bodies called fibrine and casein, find entrance. The forces which produce growth are so nearly resembling those resulting in decay, that the distinction has not yet been traced. The materials on which this force acts are the air, water, and a slight portion of soil. Put them together by common chemical affinity, and they constitute no more that impure carbonate of ammonia, spirits of hartshorn, and to that body they return.

You will say how simple is all this! What can be the origin of so much admiration? It is produced by the very simplicity. With these

slender means is constructed a work most various, pleasing and elaborate, which, even in form and diversified beauty, draws forth the admiration of the whole human race. But these qualities are as nothing with their sublimer destiny. These petty blades, so fragile, so defenceless, that the insect cuts them down by myriads, the sun and frost lay waste their vigour, and the chilling east wind drys up their juices—these blades of grass, so little cared for, so numerous, so insignificant, *are a magazine of life.* The men of to-day move in their several duties, independent of thought for the morrow, the life-blood of that morrow, the movement, the animal energy of that morrow, are resting latent in the blades of grass—"all flesh is grass."

Unborn generations of our species are in the forest trees and lowly herbage of the field. The people of our day and of years hence, who know no place amongst us, and are of the future, dwell together on the fair earth. The conceit of *Dante*, in his "Inferno," that suicides are hereafter doomed to an existence in the form of trees, was an extraordinary thought. They who were no more than the grass of the field in their origin, deserved no better fate than to return to their humble form, when they valued the higher life so little.

How much power has been committed to our hands that we should control, increase or diminish the means of existence! How sublime the intellect granted us to govern the materials of life! Will any farmer carelessly pursue his craft, when there is so much within his reach, such unalloyed pleasure, as results from the contemplation of these things?

Let all necessary knowledge form the groundwork of our art, and each practical man will see means and opportunities for improvement in his farm constantly before him. Farming is in its infancy, and there is no more prospect of elevating it, except by a course of studies, than there was hope for the miner or dyer. They embraced science, and now see how far they have bettered themselves!

How are things at present? A worthy farmer, unskilled in the mysteries of his calling, requires assistance in an emergeney. His imported Berkshire is sick; he fears a heavy loss, and seeks the advice of his neighbours; they determine in conclave that the animal has a sore throat; but being anxious to give the proprietor the best advice within their reach, commend him to an agricultural journal, and he finds there what I, myself, saw only a month since: that an extensive hog-master of Tennessee always in such cases makes a cut of some inches long, and an inch deep on each side the windpipe, and rubs in the tar and turpentine; and to remove the apathy of the brute after the operation, seizes him by the tail, and lifts him thereby three or four times, as high as convenient. You will say the *tail* is an embellishment, but I assure you it is a plain, unvarnished *tale.* This is mercy and science with a vengeance.

But do not let us be unjustly severe. What slender opportunities we have had for acquiring knowledge! No agricultural colleges, no works, until within the last two or three years, have presented us with a philosophical view of our calling. To be sure, now and then an eminent man like Jethro Tull, Duhamel, General Beatson, Lord Meadowbank, Young, and a few others, struck out some novel and often desperate expedient in agriculture; but excepting these, we have seen nothing but

practical works, very excellent indeed, but utterly destitute of principles. We have been recommended to keep cattle to make manure, at a great expense; we have been incited to pay five hundred dollars for imported sheep, and untold sums for Durham oxen; all this has been presented to us as agriculture.

But principles were nowhere to be detected; we searched for proof of General Beatson's success in burning clay, but found such opposition as to be startled and dissuaded. Lime was even decried in many works. Sometimes it was the order of the day to apply green manure, and again to use rotted. Indeed, our honest exertions, and much reading, brought us to the conclusion that each man had to carve out his own course, and examine the assertions of others with diffidence. And this is the point to which every true friend of improvement must be brought. There are few statements of general advantage in agriculture; soils differ so considerably, even manures are very different from different localities; plants are not at all alike unless the precise variety is stated, and the knowledge of varieties is so difficult that few persons agree in their descriptions. The farmer must judge for himself; guided by knowledge he must examine and draw inferences, like the physician, in each case. All that I would draw your attention to is the necessity of impressing on the agricultural community that this knowledge is necessary, that with it they can farm better, get better crops, and at less cost than in the usual careless husbandry. Let your voice as a convention, and your experience as men, go forth to proclaim these truths. We are not premature, for already the New-York State Society desires to introduce science into the common schools. Already are colleges for instruction in agriculture sought, and this noble institution, which has called you together to deliberate on the best means of improving our art, was amongst the first in the field with this view. Other objects, equally meritorious, have been presented to you.

Admitting the advantage of introducing accurate knowledge, and placing at the very foundation a perfect familiarity with the sciences of chemistry, physiology, geology and machinery, you may be, however, met by the opposition of many shrewd men, who ask, what is the necessity for this parade?

Such inquirers, seeing before them interminable acres of new land, the rich deposits of a thousand forests, knowing the profits of wasting lands, and taking crops from virgin soils, are in amazement that any can be so short sighted as to expend capital in improvements. If you argue with them they invariably adduce instances of numerous friends who have entered upon improvements, whilst they adopted the common sense method of rifling the riches of the soil; and now they are wealthy, and their neighbours poor. *This argument has too much force.* I have repeatedly seen its truth, but was never discouraged.

If the method of skinning be brought in competition with the common plan of improving, which is not regulated by any laws, nor subservient to any principles, I have no hesitation in saying, that in three cases out of four the *skinner* will make most money in a given time, but he is living on his capital, whilst the improver is cautiously accumulating the principal by enhancing the price of his acres. The improver usually commits the blunder of holding too much land; and whilst his forests are unproductive, he is expending his interest on the land; but the skinner

makes the forest productive, and invests no part of his gain in the soil. There is no question that under these circumstances the latter makes more *bank note* dollars. There the improvement is made carelessly. Let no more land be held than it is within our power to cultivate; instead of the English method of manuring by thirty tons, &c., which costs some twenty dollars or more the acre, let us apply science to cultivation. For three dollars the acre better crops can be obtained than by the application of twenty cart loads of stable manure, and that from a sandy loam, which you all know does not hold manure well. What is this secret? It is a demonstration of the application of science to agriculture; it is the result reached by Mr. Pell, from applying certain principles in chemistry to the cultivation of land, to which I had the honour of calling his attention during my lectures on agricultural chemistry last winter. And the principle is no more than to apply to plants the saline bodies which analysis shows in their composition, with a suitable proportion of ammoniacal compounds. Not blindly manuring with every article for each crop, but knowing the composition of any plant, to add only such bodies as are found in its ashes; discriminating between the constitution of the cerealia, the clover family, buckwheat, tobacco, and all other vegetables.

By the application of this rule, Mr. Pell has obtained crops, which, in the estimation of the editor of the Agriculturist, are in several instances quadrupled.

We are, therefore, not theorists only, but have demonstrated in our own soil, in our state, the correctness and advantage of applying true science to agriculture. Let this system be brought in competition with that of the *skinner;* can he clear and cultivate new land for three dollars the acre? Can his crop pay for the land, and reach a quadruple yield? If not, the judicious improver, guided by correct principles, is doing a better business, and is worthy of all imitation.

It is unnecessary to press on your attention the necessity of encouraging any advancement in agriculture within this state, as well as on the seaboard; the competition we are brought under with the west, in bread stuffs, is a sufficient cause of stimulus with the lover of his native soil, with the son of the empire state; others, whose affections are less powerful, will desert our fair lands for the plenty of the west.

Before me are many experienced farmers, whose minds and hearts have been in the cause for many years; the indifference of a past generation has left in their hands the noble task of opening the way to the admission of science into their art. Let your sons derive the advantage the present age gives, and if you have grown wise in the practice, let them add to the value of your experience the modern knowledge infused into agriculture.

It is an unjust thing to charge the present generation of farmers with opposition to science, for they have already attained an age when opinions are fixed, and the mind, matured by its own course of observations, is seated in a rock of confidence. It is wrong to call this prejudice, which is the result of inductive reasoning.

It is the next generation, the youth of our day, who will receive and deserve the epithet of ignorant, and prejudiced, if they neglect their interest in the advance of knowledge. Whilst those who base their practice on the principles of science, shall attain distinction as the bene-

factors of their race, and ample wealth as the reward of their toil, when they have grown grey in years, our exertions may be the theme of their garrulity, and as the cherished reminiscences of early life steal over the brain of age, this assemblage may find a place in the brightest vision of all. Honour to the men who, in this early day, by their precept and example, shall advance our noble profession.

The Convention met again on Saturday morning, October 12th, at 10 o'clock.

Further remarks were made on agricultural products. The President exhibited specimens of New-Zealand grass. It was adjudged to be finer and stronger than hemp. Seeds were distributed among the members; arrangements, it appeared, had been made for obtaining a quantity, with various other seeds, to be distributed among the members of the next Convention.

On motion, it was *resolved*, that Dr. Gardner be requested to supply a copy of his address for publication.

T. B. Wakeman, Esq., Corresponding Secretary of the American Institute, presented resolutions that passed unanimously, which he prefaced by remarks substantially as follows:

He said his object was to call the attention of the farmers of the United States to the vital importance of a sound protective policy to their prosperity, and he hoped to be able to satisfy every intelligent farmer present.

What does the farmer desire? Will not the answer be, large crops and good prices? To increase the amount of crops great exertions are every where making. The nature of soils is sought and analyzed. New manures are procured and tried. New modes of culture introduced, with labour-saving machines, &c. Science is at work investigating cause and effect. Clubs societies, schools and associations of various names, have been formed and are forming all over the country. Some of these means have been attended with most signal success. Examine the enormous vegetables and fruit at our Fair. Improvement in agriculture and horticulture has received a new spirit, and no doubt is rapidly advancing; and with the growing spirit, better crops will be realized, and the surplus will be greater and greater.

Statistics calculate the staples of food and clothing about equal in their cost. They are both required for the comfort, and in fact for the existence, of every individual in the country. Subsistence and clothing, it will be acknowledged, embrace the main cost of living. If this statement is true, the farmer should put aside from his surplus, about as much of his crop comfortably to clothe as to feed his family. If, by any short-sighted policy, the portion set aside to purchase family clothing will not bring but half price, it is just as fatal to the farmer as if one half had rotted before it reached the market. In either case it will purchase only one half the clothing he needs. My object is to impress on the farmer the importance of the price or value in market, as well as the quantity, his farm produces, and the policy that will put two dollars instead of one into his pocket, which I think by many has been overlooked. I rejoice to find him investigating the properties of manures, but I will assure him that Congress may pass an act inflicting injuries on him that even the fertilizing virtues of the far-famed guano, obtained for nothing, would not counterbalance.

My wish is to bring before the farmers of this Convention the fact, that a large majority of the southern states, and great numbers of others, especially in our commercial cities, believe in *free trade*, and are in favour of reducing the duties on imported articles to 20 per cent. on their value. Twenty per cent., remember, is the mark.

Do our farmers know the amount of farming produce imported under the existing tariff? and how much this would reduce the present duty, or rather what per cent. advantage this proposed reduction will give the foreign importer over the American farmer beyond what he now has?

I will endeavour to illustrate it by a few of the great leading articles of food. The whole amount of articles to which I shall refer, produced in the country, will be found of vast magnitude. More than one hundred millions of bushels of wheat will be grown in the United States this year. Wheat imported from abroad is required to pay 25 cents duty per bushel. It can frequently be bought on the continent of Europe as low as 30 cents per bushel, and in some parts of Europe no doubt will, until a war occurs, in future years, be obtained for less than 40 cents. It can now be brought from Bremen for less than 10 cents freight per bushel; will cost when brought here, say 50 cents. The duty now required to be paid here, 25 cents per bushel, is therefore equal to one half its foreign cost and freight added for 3000 miles. This would be a reduction of 30 per cent, if the present duty was changed to 20 per cent. on the value, instead of 25 cents per bushel. On this calculation, the proposed reduction of the tariff would give the importer of foreign wheat 30 per cent. advantage over what he now has; and even adding the duty as part of the cost, it still would give the importer a fair profit.

Is there no danger of foreign wheat coming in competition with ours?—The wheat of Bremen is raised by labourers who will work for from six to nine cents per day. Let it not be said wheat never will be imported. In 1836, in spite of a duty of 25 cents per bushel, nearly half a million of bushels were imported and sold in this country; and from January to April, in 1837, eight hundred and fifty-four thousand bushels.

There are other considerations which the farmer should look at before he commits the tariff into free trade hands. Forty-one million four hundred and two thousand six hundred and twenty-seven gallons of distilled spirits were made in the United States in one year, according to the last census, chiefly from our own surplus grain, protected by a duty of from 60 to 90 cents per gallon, equal to a duty of from 200 to 350 per cent. This duty, I believe, is the highest in the tariff laws, and operates altogether to the benefit of the farmer. The duty was so prohibitory, that all the foreign distilled spirits imported the same year amounted to less than one hundred and forty-two thousand dollars value. Give the foreign distiller what the reduction of duty to 20 per cent., ad valorem, would confer over the present duty, viz., from 40 to 70 cents on every gallon imported, and the whole country would be flooded with the fine flavoured produce of foreign distilleries, and the cheaper foreign whiskey adapted to all tastes. New recruits, by thousands, would then be seen rallying around the standard of intoxication and singing hosannahs to free trade. Let the friends of temperance look well to this threatened state of things. No one can imagine that our distilleries could compete with foreign importers. A formidable amount of grain would necessarily fall back on the farmer to waste and rot, or be fed to stock. Let the grain growers look to consequences. Vast quantities of wheat have annually been called for to fill the void caused by the distilleries. Even

the wheat grower would find his market lessened by the profusion of rye, corn, &c., which, being excessively reduced in price, would be substituted more or less for wheat, and thus contract the wheat market.

Potatoes are another article of very great consumption, next in value, and almost equal to grain. There have been probably one hundred and fifty million of bushels raised in the United States this year. Nowithstanding they are protected by a duty of ten cents per bushel, twenty-eight thousand one hundred and ninety-two bushels of potatoes were imported in nine months, in 1843. If the average value is 20 cents per bushel, the protection is 50 per cent., and a reduction to the free trade standard, viz: to 20 per cent. on their value, would give the foreign importer of the article under the proposed duty, an advantage of 30 per cent. on the value above the present law. Is it not manifest, then, if potatoes can be cultivated by labour at from six to nine cents per day, as stated before, that it would be perfectly easy for foreigners effectually to beat down home competition the whole length of our seaboard?

Beef and pork not varying much per lb. in value, are leading staples of food, and in many families cost more than bread. The average prices at this time in our market do not equal four cents per pound; the duty on both is the same, viz: two cents per pound, which is fifty per cent. on their value. The farmer would therefore be a sufferer in the struggle of foreign competition by the free trade, twenty per cent. ad valorem duty proposed as a substitute for the present tariff, another thirty per cent.

The duty on cheese, another important article of food, is nine cents per pound, nearly two hundred per cent. ad valorem on the present selling price of fair cheese in our market. I leave the farmers to judge the value of twenty per cent. protection. Many millions of dollars would not cover the consumption.

I believe the foregoing will comprehend the principle staples of food, and have been thus particular, that the farmer may see clearly what would be his situation under a twenty per cent. duty. The protection he receives seems in a great measure to have been kept out of view, and the manufacturer thrust forward, as the only one in interest. The issue has been almost exclusively in relation to the manufacturer. Indeed, it has been triumphantly published in free trade papers, "the farmer makes no demand on Congress; he wants no protection; it is these uneasy, troublesome, greedy manufacturers that incessantly harass Congress to make laws to enrich and aggrandize themselves." The truth can be best illustrated by a tabular view.

Duties on the staple articles of food grown by the farmer.

Present duties as above, on		Proposed duty.		Reduction from present duties will then be	
Wheat,	50 per cent.	20 per cent.		30 per cent.	
Grain, viz: rye, corn, &c. distilled, average duty,	150 "	20 "		130 "	
Potatoes,	50 "	20 "		30 "	
Beef and pork,	50 "	20 "		30 "	
Cheese,	150 "	20 "		130 "	

The present duties, it will be seen by this table, under our present law, average ninety per cent. Under the law proposed by the free traders to defend the farmers against the greedy manufacturers, the protective duty which operates in his favour, and against the foreigner, will be reduced on an average, 70 per cent on all the considerable products of the farm; and thus the farmer will be left to the sweeping competition of the low labour of the

paupers of all Europe. If they now import in greater or less quantities the articles named above with what will amount to a premium of 70 per cent., will they not, in unfavourable seasons, fill our market? Farmers, reflect and judge for yourselves.

I will now show by a table the protection under the present law afforded the manufacturer who supplies the leading articles of clothing, and what the reduction of duties on these productions will be under the proposed duties of 20 per cent.

The products of the manufacturers I shall embrace in this table, will amount now to nearly two hundred millions of dollars value per annum, about equal to those of food named above, and they are increasing in an incredible ratio.

Duties on the staple articles of clothing produced by the manufacturer under the present law.

	Present duty.	Proposed duty.	Reduction.
Woollen Goods,	40	20	20
Cotton Goods,	50	20	30
Hats,	30	20	10
Leather Manufactures,	35	20	15

By making the calculation, the farmer will see that the present protecting duty on the above articles produced by the manufacturer, embracing certainly the main articles of clothing, compared with the five principal articles of food, as named above, stand thus:

Average protection on articles of food under the present law, 90 per cent.

Average protection on articles of clothing, 38 per cent.

Bring down the duty to the free trade standard of 20 per cent. and the reduction of duty on the above five articles of food will be 70 per cent.

On the four articles of clothing, 18 per cent.

On this calculation, agriculture will suffer in the proposed free trade reduction, directly, more than three times as much as manufactures. The farmer will, therefore, on the free trade proposal, suffer directly three times as much as the manufacturer in encountering the formidable foreign competition which would be created against him.

Again; just in proportion as the manufacturers are interfered with by foreign competition, and the value of their production diminished, the home market for the farmer will be diminished; and as he has no reliable foreign market, his indirect suffering for want of a market will be greater than his direct suffering.

By improved culture, increasing supply, and with free trade diminishing the power of the manufacturer to buy, the farmer will find his condition comparatively below that of any other occupation, and approximating to the degraded condition of European peasantry.

I have, with these considerations in view, prepared hastily the following resolutions, which are respectfully submitted:

Resolved, That however desirable it may be to increase our crops by improved culture, there is still another important consideration that should not be lost sight of, viz. remunerating prices for the surplus. In times of general peace, labour will be so reduced, and freights across the Atlantic so low, that, without a protecting duty, there is reason to believe many of our

most important agricultural staples of enormous amount, will be so much reduced by foreign competition, as not to equal the cost of the labour of production, unless the price of labour is brought so low as barely to support existence.

Resolved, That the proposed general reduction of duties to 20 per cent. ad valorem, advocated by a very numerous portion of our fellow citizens, would inevitably, in periods of general peace, fill our markets with the products of foreign articles, while the surplus of our agriculturists must remain on hand, unsold, or be sold at sacrifices to which they never ought to submit.

Many of the farming staples which foreigners now bring to this country in small quantities, would at once have conferred on them an advantage in our markets, and in favour of foreigners, and to the prejudice of our own producers of similar productions, twenty, thirty, forty, and in some instances, over fifty per cent.; and there is good reason to believe, that such foreign productions would be forced on us in quantities ruinous to all that portion of our agriculturists who rely on grain and provisions.

Resolved, That the agriculturists of the United States are more interested in this proposed reduction, than even the manufacturers; because the duties on the leading staples of food raised by them, such as grain, potatoes, cheese, &c., have now higher protection than the leading staples of clothing, such as woollen and cotton cloths, leather, &c., which constitute the bulk of the necessaries, both of food and clothing.

Henry Meigs, Esq., and the Rev. Mr. Barlow, of Westchester Co., N. Y., from the committee to prepare an address and resolutions, reported resolutions; and Mr. A. J. Prime, from the same committee, reported an address.

The committee to whom was referred the drafting of an address and resolutions for the adoption of this Convention, reported the following:

GENTLEMEN,—This Convention, assembled in the city of New-York, at the call of the American Institute, have taken into serious consideration the subject of agriculture and its claims. Viewed in itself alone, it is undoubtedly the noblest of arts. But when it is remembered, that it is emphatically the foundation of national prosperity—the corner stone of the existence of civil society—that when agriculture ceases, manufactures, commerce, and all the other arts and occupations of life cease with it, the encouragement and promotion of it become of paramount importance. And of no nation is this more true than of our own, possessing, as we do, a country of vast extent, embracing every variety of climate and soil, and capable of producing the fruits of every zone.

The time has been, when the oldest portions of our country required but the soil to be broken, and the seed cast in, to produce an ample and abundant crop. But we have evidence before us and around us, that this is not now the case. A great deterioration has taken place in the soil, from unskilful culture. Fields which once waved with rich harvests, are now comparatively unproductive; the wheat crop from lands long cultivated, being reduced in a few years from 33 to 50 per cent. As proof of this, it may be stated that in one of the western counties of the state of New-York, which was a few years since the best wheat growing county in the state, the

average crop of wheat in the year 1843 was but fifteen bushels to the acre. In those parts of the state which have been longer under tillage, the average is still less, and in Virginia, does not exceed five to eight bushels. And all this in a country, four-fifths of whose population are engaged in tilling the soil.

The question of a remedy is an important one. And where is it to be found? We answer, "in a more general diffusion of knowledge relating to the various branches of agriculture. Whilst all other arts have resorted to the aid offered by science, and thus have brought great gain to their followers, we have been contented to tread the same path trod by our fathers ever since the primal curse," and have grown poorer and poorer. It is now settled beyond a doubt, that by the assistance of science our farms may be restored not only to their primitive vigour and productiveness, but to even an increased fertility. In England, where this kind of knowledge has been somewhat extensively diffused, the crops of wheat have already been doubled, and instances may be found in our own country where they have been more than doubled.

We must also look for the fostering hand of government. Who can reasonably object to a Home Department for Agriculture, planned on a scale commensurate with the millions it is intended to protect and foster? The navy is provided with its department, another has been created for your money, one for your diplomacy, another for your postage; you have an immense edifice, with commissioner, examiner, clerks, &c., to take care of your patents; but for the vast interest of agriculture you have not a place where the farmer has a legitimate right to put his foot, to ask for information relating to his pursuits, or to deposit, for the use of others, that information which he may have acquired from experience. Your National Legislature has provided no means for concentrating and widely diffusing the knowledge which might serve to direct and facilitate the immeasurable labours of four fifths of the population of a mighty empire, multiplying in a ratio that defies all precedent in the history of the human race.

Agriculture, if it had met its deserts, would long since have shone conspicuous among the other departments of the government. Who is there that will question the foresight, the wisdom, or patriotism of Washington? At the opening of the session of 1796, the last at which he presided, he spoke to the nation's representatives as follows: "It will not be doubted, that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and enabled, by premiums, and small pecuniary aid, to encourage and assist a spirit of discovery and improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results everywhere of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown, that they are very cheap instruments of immense national benefits."

That this opinion of that great and good man has never received the action

it deserved, is not so much the fault of Congress, as of ourselves, who have been so backward to assert our own claims. It therefore becomes us to be diligent in the use of every effort to secure those natural resources that are in our power, and to claim that notice and action in our legislatures we so preëminently deserve as a NATION OF FARMERS.

They therefore recommend the following resolutions:

Resolved, That this Convention regards AGRICULTURE as the most important secular pursuit of man. It was his primeval occupation, and still retains something of the character it had when God and man walked and conversed among the trees of their own garden. To *till the ground* was the feudal service required in his first lease of the soil. Nature coerces the duty. Her fields become rank with spontaneous thistles; but yield wheat only as it is enforced by "the sweat of the brow." It is the permanent condition on which alone he can reap abundance, health, and social well-being. Agriculture is the *creative* work of man. It brings up wealth from the ground. It makes the barren field sing with joy—binds up sheaves of substantial riches where there was nothing before—and at the harvest-home "fills the heart with food and gladness." The money-changer enriches himself by appropriation, while he produces nothing. But he who grows a ball of cotton or an ear of corn increases the means of human comfort. It may be but a small service, but it is something. Agriculture, which produces *corn*, rears *men*:—gives a dower to early marriage—feeds the increasing family of domestic love—makes a wilderness bloom like Eden—and peoples waste places with the millions of hardy and virtuous yeomanry. It has its toils, but is rich in salutary pleasures. Commerce has its vices and produces luxury. Manufactures weary by sameness, and impair by restraint. The professions reap their harvest from men's sins and sufferings. Idleness depraves the whole man; but the labour of the husbandman "*hath a blessing in it*;" a blessing for the body and mind, the private interest, and the common weal.

Resolved, That the successful prosecution of agriculture depends mainly upon the amount of *science* and *skill* which may be brought to bear upon it. Intuition teaches nothing—tradition little—experiment advances slowly in its discoveries; but aided by science, advances surely. Art is scarcely more indebted to science than agriculture. Within a few ages it has shed a flood of light upon the subject; and the scholar in his *laboratory*, has done more for the crop in the field, than the ploughman. Chemistry analyzes the soil, and the grain, and the manures, and determines, by a scientific process, what composts are suited to each. It can tell beforehand what manure will fill the berry of wheat, what will merely increase the straw, and what will destroy the crop. Science traces effects up to their causes, detects the operation of invariable laws where chance was supposed to preside, and directs the economy of the farm by *principles* instead of traditionary usages. While science is shedding its light upon the oc-

cult operations of nature, genius and art are employed in multiplying and perfecting the implements by which the *onus* is removed from human sinews, to labour-saving machinery. But all these discoveries and improvements avail nothing to him who declines the trouble of informing himself. On the contrary, he falls behind his intelligent competitors; and thus sustains loss by neglecting a talent, derives ruin from inattention, and is punished for ignorance, as if it were a crime. Money and labour to a vast amount are annually thrown away for the want of a "penny-worth" of information. Thousands toil on in want, through life, whom an hour's reading might set forward in a career of prosperity. Knowledge is power among farmers as every where else. He that possesses it enjoys a monopoly which ignorance may envy, but cannot share. It is vain to attempt to secure to all the *enjoyment* of equal rights, where there is not equal information. Knowledge and skill are the labourer's capital, and to promote these is to advance the true system of social equality.

Resolved, That the progress of agricultural science depends conjointly on the discoveries of the scholar, and the observation and experience of the practical man;—on bringing together into one focus all the facts and truths which may be thus acquired, and digesting the whole into a form accessible to the poor, intelligible to the ignorant, convenient for reference, and adapted to practical application; and on sending these matured digests of practical science abroad through the whole length and breadth of the land. Science *has* her votaries, who rest not day nor night. Nature is daily interrogated, and her responses are bound up in gilt volumes for the gentleman's unsoiled library. It is the practical man who is in fault: he neglects to read, to experiment, and even to observe: Whereas it is the duty of the American farmer to know all that is known of his noble calling, to verify the principles of science in practice, to bring his intellect to bear upon his pursuits, and if possible to add somewhat to the sum of agricultural knowledge. It is his business to seek for all truth, and impart all he can find. Each particle of truth is of more value than a particle of gold, and is a treasure which may be retained while it is given away. To the common stock of truth all should contribute, and each bear away the whole. The husbandry of the country can never reach the higher degrees of perfection, until the farmers become reading and practical philosophers. The chief benefit derived from *annual fairs, cattle shows*, and the like, is in the knowledge communicated by example—in the belief which results from seeing—in the generous emulation inspired by successful enterprise. But useful as these means of improvement are, infinitely more might be learned from *books*, and to better purpose, *if the farmer would but take the trouble to read.*

Resolved, That this Convention regard it as the duty of a government which emanates from the people, and professes to legislate for the benefit of the governed, to aid in the discovery and dissemination of all knowledge which bears upon the interests of agriculture. Government is not instituted merely to restrain, to tax, to defend, to

punish its subjects, but to guide, guard, instruct, and confer benefits upon them—to do, by means of the common purse, for the common good, all things which require to be done; but which cannot, or would not be done by individual effort, or voluntary associations. If there be any good reasons why a light-house, a navy, a fortification, or a national road should be an affair of the General Government, there are the same reasons why it should charge itself to enlighten and foster that branch of industry which is more vital to the welfare of the country, than all the interests confided to the Heads of Departments put together. The State, Treasury, War and Post-Office Departments, reach the farmer in the way of extracting dollars from his pocket. A department having for its object to put useful knowledge into his head, and implements into his hand, would also put money into his purse. A "Home Department" would be the sole branch of government which would visit the constituents in annual benefits of millions, which the *labourers* would share, rather than the privileged classes. Such an object is worthy of a patriotic government, and in the hands of an honest one, would occasion no appreciable increase of taxes; but would, at no distant day, add a large per centage to the wealth of the country. What price would have been exorbitant for Whitney's cotton gin? Yet the government paid nothing. South Carolina defrauded the inventor, and gave him ten years of litigation, expense and abuse, for a boon worth countless millions! This is such fostering care as the wolf would give to the fold!

Resolved, That this Convention deem it the duty of government not only to *foster* the interests of agriculture, by rewarding discovery, and diffusing knowledge, but to *protect* the industry which is directed this way. Agriculture needs protection. Who does not see that southern *sugar* needs it? What northern man ever complained that it was given? *Cotton* requires it. Within thirty years the quantity grown has been quadrupled, but the amount received in payment has been little, if at all, increased. A vigorous competition of home manufacturers with foreign, would manifestly enhance the value of that southern staple. Because local blindness may attribute to domestic protection, that depreciation, which arises in fact more from foreign monoply, does not make it incumbent on the General Government also to stultify itself. *Wheat* might be brought from the Steppes of Tartary, and sold in New-York for fifty cents per bushel. Numerous articles of domestic growth might be brought from foreign parts for less money than they are worth at the American farm-house. If the farmer were not protected against the competition of foreign boors and serfs, he would lose the market on his own soil. With all our rich lands, canals, rail-roads, and agricultural improvements, he would soon cease to supply the Atlantic cities. Adequate protection should not merely shield him from a ruinous competition, but secure him a market. If he cannot find one abroad, he should be allowed one at home. Trade, it is said, would regulate itself, if left free, and like water seek a common level. That is, the profits of the American farmer would be *levelled down* to those of the Russian boor! If there

be any levelling, it must be downwards! The ocean cannot be levelled up to the Ontario! Free trade would drain our waters. The only alternative is *effectual protection!*

Resolved, THEREFORE, That this Convention do earnestly recommend their fellow citizens, who are engaged in the various branches of agriculture, to adopt measures *to help themselves*, and to secure the *aid and protection of the General Government.* In particular it is advised—

I. That farmers and planters, in all sections of the country, should organize themselves into primary associations, to meet at stated times for conference and deliberation, with a view to the increase of knowledge, both in regard to their individual pursuits, and their rights and interests as a body; and with a view also to a more effectual co-operation in protecting them.

II. They are recommended to READ—to provide themselves with *books* touching these matters, and to converse upon them at their stated meetings. They have long enough walked blindly in the old traditionary track. A vast amount of useful practical science is abroad, which they are not yet in possession of; and much remains to be discovered, in the pursuit of which the practical farmer may assist.

III. The agricultural associations are requested to send a delegate from each to the FARMERS' CONVENTION, to be held annually in the City of New-York, at the time of the ANNUAL FAIR of the AMERICAN INSTITUTE; and thus extend over the whole country the branches of the central organization—the nerves of intelligence, and the life-blood of a common interest.

IV. The associations are advised to avail themselves, as far as possible, of the coöperation of the CLERGY. Their intelligence qualifies them to do valuable service to the cause; and their devotion to the good of mankind would dispose them to render it. To act as politicians, would manifestly impair their professional usefulness; but here is a field in which they may labour without reproach, cultivate the public interest, and serve their country without prejudice to their higher functions as ministers of religion. Clergymen consenting to serve in the manner here indicated, will be recorded as corresponding members of the central organization.

V. The associations, after fully informing themselves on the subject of their interests and rights as a body, are advised to *memorialize the Congress of the United States*, praying for the aid and protection of the government; and especially for the organization of a "HOME DEPARTMENT," in accordance with the enlightened suggestions of "THE FATHER OF HIS COUNTRY!"—a department charged with the care of all the branches of domestic industry, and especially the interests of the agriculture of the country.

Resolved, That it is the opinion of this Convention that there should be an appropriation of a small portion of the income of the Smithsonian Fund, for the purpose of stereotyping a series of volumes, to be published at the rate of two or more annually—to be devoted to

agriculture and the arts—to be compiled under the direction of the Secretary of the Home Department, or of some more permanent officer, selected wholly with a view to his fitness for this especial duty—and with all the learning and judgment which can be well brought to bear upon it. The work should be illustrated with plates where they are necessary, and executed in a style worthy of the object. The use of the plates should then be granted for limited periods to such responsible publishing houses as will engage to furnish *all purchasers* with the work, executed in the best manner, and *on the lowest terms.* It is believed the object of the benevolent founder of that fund, could in no other way be so effectually obtained, as in the manner here suggested. A vast body of practical and useful science would be thus placed within the reach of the humblest cottager and mechanic. Millions of labourers would by this means obtain knowledge which otherwise would be inaccessible. Benefits would thus accrue to the industrial interests of the country, and to the domestic comforts of the people, which could not be computed in dollars and cents. Every volume would be a monument to the memory of the generous foreigner. Every family in the country would possess a tangible evidence of his far-reaching benevolence, and hold his name in honour. The bequest was made to the National Family, and it should be so appropriated, as, if possible, to diffuse its benefits alike upon all.

Resolved, That this Convention beg leave respectfully to commend to the enlightened consideration of the National Government, the expediency of instituting, as a branch of the government, a "HOME DEPARTMENT," to be charged with the care of the industrial interests of the country: and cherish the earnest hope that the Congress of the United States, to whose wisdom and patriotism those interests have been confided, will perceive that the rights of the producing classes, and the obligations of government, demand the adoption of a more liberal system of encouragement and protection to its agricultural industry.

Resolved, That in the opinion of this Convention, it becomes this great Republic to set examples of high attainment in agriculture first, and then in all arts and sciences, to the other governments of the earth, so that this noble frame of government may become a model one for the nations.

Resolved, That these proceedings be transmitted to the Governors of the several United States, requesting them to *put the question of Washington's Home Department* to their several legislatures for their consideration.

Resolved, That the American Institute be requested to call a Convention of Farmers and Gardeners, at the period of the next Annual Fair.

Resolved, That the foregoing proceedings be referred to the Agricultural Board of the American Institute, requesting them to use all proper measures to carry them into effect.

The address and resolutions were considered and passed without a dissenting voice.

Mr. Joseph Blunt, of the city of New-York, addressed the Convention on the importance of keeping pace with the rapid march of agricultural improvement. He expressed his attachment to the great interest of agriculture, in warm terms, and zealously recommended that the influence of all should be brought to bear on the establishment of Gen. Washington's "Home Department."

Mr. Van Epps, of Western New-York, made an address on the establishment of a School of Agriculture, as follows:

Sir,—I cannot allow this opportunity to pass, without expressing the desire that the able and practical remarks made by our worthy President, at the opening of this Convention, be printed in a convenient form for universal circulation. So *purely* American, may they be studied by every youth and voter in this nation. They were listened to with profound gratitude. It was, indeed, a "feast of reason and a flow of soul." We are represented as something more than a dollar and cent people. In this country education must prepare our citizens to become municipal officers, intelligent jurors, honest witnesses, legislators, or competent judges of legislation. We could but congratulate ourselves that men ripe in political science and public economy, were willing to descend from their lofty eminence, and give us the truth of the whole matter. This knowledge must be universal. It is not enough to have here and there a fountain playing in palace gardens; but let it go, Croton-like, into every palace and hamlet in our Union. Let it come like the abundant fatness of the clouds upon the thirsting earth. What a duty, yea, what a *privilege*, for our educated men to accommodate our institutions of learning to the fundamental principles and true policy of our country. We, too, sir, believe the farmer has rights. Long have we been thirsting for illumination upon our high duties, that we might maintain and manfully defend those rights. Those great truths received the readiest assent of our reason, and we trust will produce that effect upon the feelings which gives birth to action. I *repeat* it, such truths ought to be wrought into the minds of the *whole people*, so that they will remain there, not dormant, as a mere conclusion of the reason, but impulsive, as an instinct of self-preservation. To our own mind no defect in our education appears more alarming than the one under consideration. Of the vast population of this country, 49 out of every 50 receive their education in the common school. It has been my pleasure, during the last 4 years, to visit about 800 of these little colleges. Much care has been taken to collect facts, and learn the extent of this defect in our system of American education. In this large number of schools, with a few exceptions, I have not received an answer to the most simple questions upon the principles and provisions of our National Constitution, or Political Economy. The same ignorance prevails upon the privileges, rights and duties of citizens in our own state. The address of the President should be put into the hands of every student of

our common schools. We maintain, sir, that this knowledge is indispensible as a part of *practical education* in this country. The elective franchise presupposes an acquaintance with the duties to be performed. Give us this knowledge, together with a *loftier* than *Roman virtue,* and the ballot box is an arm of power—our nation's pride. It is not enough to put a ballot in the box, but to put it in inscribed with a worthy name. It is not the paper, but the *man,* who is to come out an officer. How much *liberty,* in its influence at the polls, sometimes detracts from patriotism, we will not decide, nor how far *pro parte* encroaches on the domains of "*pro patria.*" A knowledge of our constitutional jurisprudence, laws, and physical and artificial resources of the country, is necessary to a perfect citizen. Our school houses, academies and colleges are the fortifications of the country, and are none the less so because their enginery is intellectual. The ten thousand families and schools in our country may be rendered the best nurseries of patriotism, and furnish the finest field for its legitimate operation. Here the statesman beholds a magnificent depository of power. Here are the kings and the queens, through whose veins course the royal blood of America. The buzz and roar of a manufacturing establishment, convey to my mind as high an idea of regard for the country's weal, as does the roar of cannon, or the noise of camps. A company of boys and girls going to school, presents to my fancy as strong a future bulwark to our country's freedom, as a company of lads with wooden guns. The young lady who sheds around her, as all young ladies might, the hallowed influence of her own purity and intelligence, deserves as well of her country, as did the maid of Sarragossa, who mounted the gun of a defending battery, and rallied the veterans whom the terrific fire of the French had compelled to abandon it. And the young man, of sober habits and well stored mind, who follows a useful profession or trade, evinces as great and as real a patriotism, as the epauletted youth who marches at the head of a company, or paces the quarter-deck of a man-of-war. Give us practical education and general industry; and we have a powerful barrier against national ills. This the true patriot does not fail to perceive. Hence the pains which a wise and worthy legislature will always take to *encourage* and secure it. Cato told the Roman Senate that it was much more by the industry than by the arms of their ancestors, that Rome had risen to such a pitch of greatness. This is eminently so of our country. The most that arms have done for our country has been to make room for industry to operate in, and to protect it and its *products,* while it enriches and beautifies the land. It is industry, not predatory war, that supplies the revenue; and the conquest of new territory is never thought of amidst the enterprise of improving the territory we have.

In our deliberations at this time, we have shown to each other and to the nation, that we would look with melancholy forebodings on the decline of popular industry; and we are pledged to exert our influence, and throw in our example, to prevent the prevalence of that enervating and contemptible notion, as yet restricted to an unenviable

few, that attaches disgrace to labour, and esteems it honourable to be good for nothing but to consume the products. We have been told in this Convention, that our interests as farmers have not been properly fostered, and that the fault is *our own*, and not the fault of Congress. Let men be raised up from among *us*, who earn their bread by the sweat of their brow—men who know how to appreciate the value of money. They will be more likely to economise in the public expenditures; and having feelings in common with the great majority of the people, legislate for the greatest number. Less time would be consumed in needless debate, and the public business would be done with greater despatch and benefit to the country. Jefferson said that he never knew Gen. Washington or Dr. Franklin speak more than ten minutes at a time, nor to any but the main point, which was to decide the question. How different were these plain, simple and efficient legislators, from the political gladiators who are now honoured with seats in Congress.

How is it possible for us to be taken care of in our interests, when out of about 300 members composing that *national body*, 245 are lawyers! At periodical seasons, these gentlemen mingle among us; every artifice is resorted to—vast assemblies are convened—our passions are appealed to, and oftentimes our worst passions, too. The mind is wrought up to the highest pitch of excitement, and these lions of the day, many of them gifted by heaven with the power of moving mind, stand over us, as master spirits of the storm, professing ability to mould the common mind into any form. Sure I am that I express the sentiment of this meeting in saying, that the labouring classes need a more efficient representation in the public councils; constituting, as they do, nine tenths of our population, they may give to the government such character as they choose. Let us then go to the fountain head—*the Common School.* There political science should be studied, and its benefits brought within the reach of all—the poor as well as the rich—the farmer and mechanic as well as the professional man. Those distinctions of rank, and that inequality of political influence, so incompatible with the principle and spirit of democracy, would be in a great measure removed. Our sons and daughters would stand forth as pillars to sustain the proud fabric of our nation's glory. No longer would we have it to say, that thousands took the oath required by the *Constitution* of the United States, who have never even read that instrument.

For, fellow citizens, I appeal to every thoughtful man in this assembly, native citizen or foreigner, to say, whether, next to the Christian religion, under which our government originated, there is any single interest under the sun so hopeful and important to the great mass of the human family, as the Constitution of the United States. Could I collect in one vast assembly the parents and teachers of youth in this nation, and could I reach them with my voice, I would say, forget not your high duties and responsibilities in fitting the rising generation to take charge of America, with all her mighty interests. The pulsations of this great nation's heart are to be counted, not by seconds, but by years. It has been well said, that it took Rome 300

years to die. Her giant heart still beat, although corruption festered through all her members. Fiercer will be the throes, and deeper the shame of this young Republic, if, in the bright morning of its days, and enriched with all the beneficence of heaven, it grows wanton in its strength, and maddening itself with the cup of vice, it perishes basely in sight of its high destiny. *Perish*, did I say! This shall never be. We, as members of this great *political firm*, in which the only legalized modes of dissolving are death, or self banishment, are determined to spend a portion both of time and revenue, to qualify *all* of those future members whose admission we cannot prevent. This done, our Union is glorious in perfection. Our star-spangled banner will for ever wave in triumph over us, *unstained* with the heart's blood of our drooping eagle. Allow me here to suggest, also, the circulation of the "*Journal* of the *American Institute*," as a powerful auxiliary to this noble design.

On motion, *Resolved*, To open a subscription to defray the expenses of publishing the proceedings of this Convention. Most of the members subscribed.

On motion, *Resolved*, That it be referred to the Board of Agriculture of the American Institute, with powers to prepare and publish a summary of the proceedings of this Convention.

The Convention then adjourned until the next year, to meet again in the city of New-York, during the 18th Annual Fair of the American Institute, at such time and place as shall be designated in the circular or address of the Fair of said Institute.

JEREMIAH JOHNSON, *President of the Board of Agriculture of the American Institute.*

HENRY MEIGS, *Secretary.*

New-York, November, 1844.

The committee, in reflecting on this Convention, regard it as the auspicious commencement of a series of conventions that are destined to exert a powerful influence on the productions and prosperity of agricultural industry. The organization is complete, and provision is made for a continued association, composed of delegates from all the various sections of our mighty republic.

Early preparation is essential. The scattered and interior localities of our farmers are not easily reached, and the confining nature of their occupation fastens them at home much of the time. Meetings are got up with difficulty, and much time is required, and at last they are often failures. The collection and arrangements of facts, experiments, and other data, suitable to be laid before such a convention, requires labour, study and reflection; yet without such information, agriculture will never attain its highest perfection. Those whose knowledge enables them to judge of the importance of the union of scientific with practical knowledge, and whose zeal is thereby

awakened, should use their influence to induce early preparations for the next Convention, so that every part of the country may be represented; that the wants of different sections, which are continually varying, may be provided for, and their capabilities rendered as useful as possible. It is desirable that answers should be obtained, so as to cover a larger extent of country than the present returns to this first Convention embrace. No time should be lost. Arrangements have been made for submitting the returns to the New-York Farmers' Club of the American Institute. After which they will be placed among the papers of the Convention, to be handed over when they meet.

This course has been pursued with the communications that did not arrive till after the adjournment of the late Convention. Among them is an excellent letter from Mr. John B. Wakeman, a practical farmer of Herkimer County, N. Y., which was read before the Club, and all the answers published in the New-York Farmer and Mechanic, with extracts of other portions of the letter.

The committee have annexed the Questions below. Please direct the answers to T. B. Wakeman, Secretary of the American Institute.

QUESTIONS.

1. Where the system of improvement has not been adopted, what diminution of crops per acre has taken place in your district, or within your knowledge?

2. What is the average size of farms in your county? What proportion is in wood, what arable, what meadow, what exhausted, what at present incapable of tillage, from want of drainage, &c.?

3. What crops are raised by you, and in your neighbourhood? What average yield is obtained?

4. What is your method of cultivation?

5. What is the average quantity of manure obtained from your stock? What quantities, and to what crops do you apply it?

6. Do you use peat, muck, lime, plaster of Paris, marl, refuse fish, or any other manures? To what extent, with what success? Please inform the Convention how far the system adopted by yourself is carried out by your neighbours, and their success.

7. Do you or your neighbours purchase manures?

8. Are any of the new farming implements used in your district? With what success?

9. Is drainage resorted to?

10. What is the nature of your soil, and the best crops that grow upon it naturally?

11. Have you or your neighbours perceived any very great advantage always to follow the use of any particular manure?

12. Is fallowing green crops common? What crops? What is the improvement?

13. When do you cut grass, or reap oats, rye, wheat, corn, &c.? In the milk, or when dry?

14. Have you or your neighbours seen any great difference in the weight, quality, and sweetness of grain or fodder collected at these different times?

15. Does grain cut in the milk yield whiter and sweeter flour? Has it as much substance as other wheat?

16. What new crops are raised in your district? Is madder, hemp, garden vegetables for the market, corn for sugar, or any other peculiar crop, cultivated by you or within your observation? By what means? What are the profits and prospects?

17. Have experiments been made on the introduction of any new substances?

18. What orchards have you, or are there any in your district? How are they cultivated? With what profits?

19. Are any of the new and improved fruits raised with you? What means do you adopt to destroy insects and caterpillars?

20. What natural manures are to be found near you? Is peat, swamp muck, green sand or shell marl, limestone, plaster of Paris, salt, &c.? At what cost are they to be obtained? What is the supply?

21. Are improved cattle, sheep and swine, found in your neighbourhood?

22. Is soiling practised? With what advantage and comparative cost?

23. What supply of milk do your cows, or those of improved breeds in your district, yield? How much butter? What fodder is used?

24. Is cheese made in your county? What food is found best for such produce? What is the net profit on a given stock?

25. Have you read the recent books on farming?

26. How far, in your opinion, may accurate scientific knowledge form a basis for farming?

27. As far as your experience reaches, is there not some change for the better wanted?

28. Do not those among you who read books and adopt the new plans, improve in their crops and farm management?

29. Are your neighbours and yourself disposed to teach your sons the new facts of farming?

30. Are you willing to sustain Agricultural Schools?

P. S. Please turn your attention especially to Questions 5, 10, 11, 12, 13, 20. We are particulary anxious to learn how far your neighbours are alive to improvements, and ready to countenance them.

The Farmers' Club meet at the American Institute, in the Park, the 1st and 3d Tuesday of every month, at 12 o'clock, A. M. Farmers, gardeners, and friends of agriculture are invited to attend and participate when they come to the city. Admission free.

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ESSAYS

ON

DOMESTIC INDUSTRY:

OR,

AN ENQUIRY

INTO THE EXPEDIENCY OF ESTABLISHING

COTTON MANUFACTURES

IN

SOUTH-CAROLINA.

ORIGINALLY PUBLISHED IN THE CHARLESTON COURIER, AND NOW RE-PUBLISHED AT THE REQUEST OF SEVERAL GENTLEMEN OF CHARLESTON.

BY WILLIAM GREGG.

CHARLESTON:
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1845.

TO THE READER.

At the request of a number of gentlemen who desire to publish, in pamphlet form, the Essays which recently appeared in the "*Charleston Courier*," under the head of "*Domestic Industry*," and signed "South-Carolina," they are now revised with a few additions.

The Manufacturing of Cotton in the Southern States, is a subject that has engaged my attention for many years, and elicited much interesting enquiry and laborious investigation. About eight years ago, I purchased a considerable interest in the *Vancluse Manufacturing Establishment*, near Aiken, and my practical experience in it, (it being under my charge for eight months, during the summer and fall of 1837,) has produced a settled conviction in my mind, that Manufacturing is a business that ought to engage the attention of the two Carolinas and Georgia. I had then but recently retired from a very lucrative business in Columbia, on account of ill health, which forbade my becoming the purchaser of the above-named establishment, which was sold by the company in 1837. It, however, came into my possession, in connection with Gen. James Jones, in March, 1843. The investigation prompted by this ownership, and the experience of *twenty months* active operation of this establishment, have confirmed my previous impressions, and I am now prepared to stake my reputation as to the issue. I firmly believe, that our advantages are such as to enable us to compete successfully with any country, now engaged in the manufacture of *Coarse Cotton Fabrics*. We have the materials among us, which, set in motion by this branch of industry, would create an energy that would revolutionize our State, morally and physically,—uproot the immense forests that now cover the fairest portion of our soil,—disembowel the hidden treasures contained in our immense beds of *iron ore*,—revive the drooping spirits of our enterprising Iron Masters,—shake the very foundation of the beds of *granite* that abound in all parts of our State,—resuscitate our worn out soil,—construct for us good roads and bridges,—erect houses of such durable materials as should make them monuments of our enterprise, and dwellings for the offspring of our children's children,—and which would place us in a condition to meet any emergency that might arise.

A tour of inspection through the Manufacturing districts of the Northern States, during the past summer, has not only confirmed all my previous impressions, but has probably excited in me too much enthusiasm on this subject, which I regard as so vastly important to South-Carolina. A portion of the matter contained in these essays, was written during my sojourn among the New-England Cotton Spinners, without any expectation that the author

would be known to the public, and with no desire beyond that of advancing the prosperity of our State. To what extent this object may be promoted by these efforts, time only will reveal; I trust, however, that if the facts here stated, are not the means of producing a single establishment—to test the matter, and prove to our people what may be done in South-Carolina—they will, at least, awaken a spirit of enquiry, and elicit the efforts of those who are better qualified to investigate the subject than myself.

If the language employed in any portion of these essays, seems indicative of unfriendly feelings towards South-Carolina, or if the essays themselves, abound in reproachful epithets and unpalatable truths, I beg that it may not be so construed as to imply a want of attachment to the State. The fact of my having gone to considerable trouble and expense, to procure the *data* in them, with no other object in view than that of creating a spirit of enterprise among my fellow-citizens, which I trust will eventuate in her good, must release me from any imputation of a want of attachment to South-Carolina, or of detracting from her merits. To be in the midst of the scene, which surrounded me, when I commenced writing these essays, and to compare them with the existing condition of things in our State, would indeed require some philosophy to write or speak on the subject, without using reproachful epithets.

We all know what the Manufacturing of Cotton has done for Great Britain. It has given her an influence which makes all other States tributary to her. We also know, that this branch of manufactures, was the foundation on which, that vast and continually increasing structure has been reared in New England, which has given an impetus to all other species of manufactures, infusing a spirit of enterprise, health, and vigor into every department of industrial pursuits. I have always been a close observer of things, but when I visited the mountainous districts of Connecticut, Massachusetts, Vermont and New-Hampshire, (for it is pushing itself to the very summits of the mountains,) I could not but notice, with surprise, the effect which this branch of manufactures had produced. Wherever it finds its way, all other branches of industry follow. It brings into requisition every element around it, gives value to every species of property, and causes each and every individual to cling to his little domain, as the future home of his children, and resting place for his bones; and though it be but a barren rock, he places a value on it scarcely to be estimated. Every waterfall is brought into use; every forest tree is measured, even to its topmost branches, (for nothing is lost in that country,) after the trunk has been worked into boards and shingles, the tops are cut into laths. Compare this state of things with that of our State, in which a man hesitates about building a comfortable dwelling-house, lest the spirit of emigration deprive him of its use—in which the cream of a virgin soil is hardly exhausted, before the owner is ready to abandon it, in search of a country affording new and better lands,—in which our forest lumber-cutters fell, with ruthless hand, the finest timber trees on the face of the globe, selecting those portions which are the most easily turned into merchantable lumber, and leaving the balance to rot on the ground, where it was cut,—in which, so soon as the best timber is exhausted, a water-fall, which would be worth thousands of dollars, in any other country, is abandoned as wholly worthless,—and in which men possessing the capital of the country, complain that it will not yield them 3 per cent.

When I saw bags of our cotton arrive in those mountainous districts, which had been packed in the interior of South-Carolina and wagoned over miserable bad roads, (in some instances, one hundred miles,) to Hamburg or Columbia,—thence transported, one hundred and thirty-six miles, by Rail-Road, to Charleston, where it is sold, after being submitted to the charges of drayage, wharfage, commissions, and perhaps storage;—thence re-shipped to New-York, to undergo similar charges, where it is purchased by one of these manufactrers and again re-shipped to Hartford; and from the last named place, making a dangerous and difficult passage up the Connecticut river, is landed and again hauled, in wagons, some thirty or forty miles, over mountainous roads; and having now reached its final destination, (at double its original cost,) is manufactured into coarse cloth; going over the same ground again, it reaches New-York, where it is re-shipped to Charleston, and finds its way back again, into the interior of our State. I repeat, when I saw these things,—knowing, as I do, the rich resources of South-Carolina, and the facility with which this Cotton could be turned into cloth by the labour around us, which might be applied to it without detriment to other pursuits,—could it be expected, that I would write, without using strong terms.

With these explanatory remarks, I now commit the whole subject of Cotton Manufactures, to the people of the Southern States, especially of South-Carolina, hoping, that whatever fault may be found with the manner in which I have executed my task, my motives will not be impugned; but that my attachment to the State will be best shown, by my efforts to promote her welfare, even at the risk of offending, by too much plainness of speech.

WILLIAM GREGG.

Charleston, S. C., January, 1845.

ESSAYS ON DOMESTIC INDUSTRY.

CHAPTER I.

It must be apparent to all men of discernment that whether a tariff for protection is continued or not, our only safety, in this State, lies in a change of our industrial pursuits. The United States is destined to be a great manufacturing country, and a few years, even without a protective Tariff, will place her on a footing with, if not ahead of the most skilful nations, and all who have any knowledge of the subject admit that South-Carolina and Georgia possess advantages, which only need to be fostered to lead to success in Cotton Manufacturing. We already see North-Carolina on the one side, and Georgia on the other, making rapid strides in these pursuits, and shall we stand with our arms folded, crying save us from our oppressors, until we are awakened to compete with those neighboring States, skilled in the arts! It is only necessary for us to turn our faces to the South-West to behold the people who are to take the very bread from our mouths, if we continue to place our reliance on the culture of Cotton, and the time is at hand when we shall set about, in good earnest, changing our pursuits. It would indeed be well for us, if we were not so refined in politics—if the talent, which has been, for years past, and is now engaged in embittering our indolent people against their industrious neighbors of the North, had been with the same zeal engaged in promoting domestic industry and the encouragement of the mechanical arts. If so, we should now see a far different state of things in South-Carolina. It is only necessary to travel over the sterile mountains of Connecticut, Massachusetts, Vermont, and New-Hampshire, to learn the true secret of our difficulties, (Mr. McDuffie to the contrary notwithstanding) to learn the difference between indolence and industry, extravagance and economy. We there see the scenery which would take the place of our unpainted mansions,—dilapidated cabins with mud chimneys and no windows,—broken down rail fences,—fields overgrown with weeds, and thrown away, half exhausted, to be taken up by pine thickets,—beef cattle unprotected from the inclemency

of winter, and so poor as barely to preserve life. In fact, every evidence that can possibly be exhibited to satisfy a stranger, that we are, to say the least, destitute of every feature which characterises an industrious people, may be seen among us. Laying aside the vexed question of a Tariff for Protection, which I don't pretend to advocate, I cannot see how we are to look with a reasonable hope for relief, even from its abandonment, without a total change of our habits. My recent visit to the Northern States has fully satisfied me that the true secret of our difficulties, lies in the want of energy on the part of our capitalists, and ignorance and laziness on the part of those who *ought* to labour. We need never look for thrift while we permit our immense timber forests, granite quaries and mines, to lie idle, and supply ourselves with hewn granite, pine boards, laths and shingles, &c., furnished by the *lazy* dogs at the North—ah, worse than this, we see our back country farmers, many of whom are too lazy to mend a broken gate, or repair the fences, to protect their crops from the neighbouring stock, actually supplied with their axe, hoe and broom handles, pitch forks, rakes, &c., by the *indolent* mountaineers of New-Hampshire and Massachusetts. The time was, when every old woman in the country had her gourd, from which, the country gardens were supplied with seeds. We now find it more convenient to permit this duty to devolve on our careful friends, the Yankees. Even our boat-oars, and hand-spikes for rolling logs, are furnished, ready made, to our hand, and what jim-crack can possibly be invented of which we are not the purchasers? These are the drains which are impoverishing the South—these are the true sources of all our difficulties. Need I add, to further exemplify our excessive indolence, that the Charleston market is supplied with fish and wild game by Northern men, who come out here, as regularly as the winter comes, for this purpose, and from our own waters and forests often realize, in the course of one winter, a sufficiency to purchase a small farm in New England.

Oh! fie, Gen. McDuffie, why are you not engaged in the great cause of reforming the habits of your countrymen? You once counted the profit of Cotton-Spinning, and, to use the language of one of your copartners, came to the conclusion, that the establishment you were erecting, would be a perfect mint. You engaged in this business with great zeal. Why did you permit the establishment to dwindle, sicken and die, purely for the want of that attention, which you well know is essential to the success of your cotton plantation? Why did you not follow the patriotic example of the Lowells, Bootts, Jacksons, Appletons, and Lawrences, of Boston? who, after fighting for years with their native State against the protective system, and finding it fastened upon her, did not stop to preach the doctrine of State resistance, but at once withdrew their capital from the channels of commerce,

which had hitherto yielded them princely fortunes, and commenced cutting their way into the forests of Massachusetts, damming up rivers, digging canals, and erecting manufacturing establishments, which have yielded to their country tenfold the capital invested in them, and they that are now living, are enjoying well-earned fortunes, and have the satisfaction of knowing that they gave the impulse to a system which has elicited every energy that the State is capable of exerting.

Had you, in your new-born zeal for manufacturing, mixed a little more patriotism with your efforts, you would have taken the pains to ascertain why your Vaucluse establishment did not realize the sanguine expectations of its proprietors. You would have put your own shoulders to the wheel, and by investing a portion of your large planting capital in the concern, with your known industry, you could not have failed to build up an establishment, far more lucrative than your planting interest. This itself would have given an impetus to manufacturing, worth millions to our State. Had our respected Gen. Hamilton, in his zeal to build up Charleston, engaged in manufacturing instead of commerce, with his known talents, business tact and perseverance, success would have been inevitable. This would have placed him beyond the reach of that withering storm, which ship wrecked the fortunes and blighted the prospects of the wisest merchants in the world. With his large capital and due attention, there can be no doubt as to what would have been the result of his engaging in Cotton Manufacturing in 1833.* Had these two gentlemen, Gen. McDuffie and Gen. Hamilton, put their capital into manufacturing in 1833, there is no telling to what extent it would have changed the investments of the State. It would, in all probability, have saved the greater portion of the large sum lost to our citizens by the failure of the United States Bank, and it would certainly have made valuable producers of many individuals who are now worthless consumers.

CHAPTER II.

A change in our habits and industrial pursuits is a far greater desideratum than any change in the laws of our Government, which the most clamorous opponents of the Tariff could devise. He who has possessed himself of the notion that we have the industry, and are wronged out of our hard earnings by a lazy set

*He would now be to Charleston, what the Appletons and Laurences are to Boston—the benefactor of his country—enjoying the fruits of an increased fortune.

of scheming Yankees, to get rid of this delusion, needs only seat himself on the Charleston wharves for a few days, and behold ship after ship arrive, laden down with the various articles produced by Yankee industry. Let him behold these vessels discharging their cargoes and count the cost to South-Carolina. From the month of September till May, our wharves are crowded, not only with the articles manufactured by the handicraftsmen of the North, but with vast quantities of dairy articles, and all kinds of culinary vegetables, which are far better adapted to the soil of South-Carolina, than to those places where they are grown. Here may be seen a picture that ought to bring a blush on the face of the statesman who would advocate legislative resistance as the remedy for our State. It ought to make every citizen who feels an interest in his country, ashamed to visit the clothing stores of Charleston, and see the vast exhibition of ready made clothing, manufactured mostly by the women of Philadelphia, New York, Boston and other Northern cities, to the detriment and starvation of our own countrywomen, hundreds of whom may be found in our own good city in wretched poverty, unable to procure work by which they would be glad to earn a decent living.

One would not suppose that the South was labouring under embarrassment, if he were to see the crowds that are continually thronging the Northern cities and places of amusement. I have heard the number variously estimated at from 40 to 60 thousands in one summer. Taking the lower estimate of the two, and allowing for the expenses of each individual $300, (and this is certainly below the mark,) we shall have $12,000,000 transferred yearly from the South to the North, by absenteeism. As bad off as we know South-Carolina to be, yet we are certain she furnishes her full *quota*, of this immense sum. Go where you may, in the city or out of it—in what direction you please, and you can scarcely set your foot into a rail-road car, in which you will not find some half dozen persons from this State. The register book of every fashionable hotel that I visited, exhibited a large share of names, with South-Carolina attached to them. Nor are our people remarkable for their economical habits, as the bar-keepers will inform you, that their wine bills exhibit liberality even to wastefulness. You may see them too, flying around cities, in the finest and most costly equipages that money can procure, and while a *millionaire* of New-York is content to ride in an *omnibus*, from Wall-street to the upper part of the city, many of these persons, not worth ten thousand dollars, would be ashamed to be seen in such vehicles. With tailors, milliners, mantua-makers, &c., these persons are considered to have gold without measure, and it is a perfect *windfall* for them to meet occasionally with one. You cannot step into a furniture store, carpet ware-

house, or dry goods establishment, where fine silks and laces are sold, without meeting persons from our State, making lavish expenditures and purchasing thousands of articles of wearing apparel, which are not worn until they return home, where the same articles can be obtained in the stores of our own tradesmen, at cheaper rates than those at which they were purchased at the North.

At one Tailor's establishment in Boston, I was informed by the proprietor, that his sales for the last year, to Charleston, alone, amounted to upwards of $50,000, and this year he expected they would reach $80,000. How much trade others in Boston in the same business receive from Charleston, and what amount falls to the lot of the fashionable clothiers of New-York and Philadelphia, cannot be estimated, but there is little doubt, that the amount would be found quite sufficient to support three or four fashionable establishments in our own city.

Let South-Carolina be true to herself, let her go to work with a determination to resist the Northern tariffites, by resolving not to purchase or use their articles of manufacture. This will cure the evil, and bring us to the point we desire to arrive at, by an easier and much shorter road than legislative action. Limited as our manufactures are in South-Carolina, we can now, more than supply the State with Coarse Cotton Fabrics. Many of the fabrics now manufactured here are exported to New-York, and, for aught I know, find their way to the East-Indies. We can most assuredly make our own axe handles, raise our own cabbages, beets, potatoes, and onions ; our boys, as in olden times, may be taught to make their own toy-wagons and wheelbarrows, our wives and sisters can hem our handkerchiefs and bake our bread. If we continue in our present habits, it would not be unreasonable to predict, that when the Raleigh Rail-Road is extended to Columbia, our members of the Legislature will be fed on Yankee baker's bread. Pardon me for repeating the call on South-Carolina to go to work. God speed the day when her politicians will be exhorting the people to domestic industry, instead of State resistance; when our Clay Clubs and Democratic Associations will be turned into societies for the advancement of scientific agriculture and the promotion of mechanic art; when our capitalists will be found following the example of Boston and other Northern cities, in making such investments of their capital as will give employment to the poor, and make them producers, instead of burthensome consumers; when our City Council may become so enlightened as to see the propriety of following the example of every other city in the civilized world, in removing the restrictions on the use of the Steam Engine, now indispensable in every department of Manufacturing, and to be found by hundreds, from the cellars to the garrets of houses, in the most

densely peopled parts of Philadelphia, New York, Boston, and other cities. God speed the day when our State may contain hundreds of such men as Mr. Simmons, of Rhode Island. Gen. McDuffie, in his Richmond Speech, speaks of a person supposed to be Mr. Simmons, of Rhode Island, who manufactures as large a quantity of Cotton, as is produced on Gen. McDuffie's plantation, in South-Carolina, on which Mr. S. realises a larger profit than falls to the lot of Gen. McD. This, he seems to think, is not just as it ought to be, and complains bitterly of the Government for passing such laws as he, Gen. McDuffie, supposes to be instrumental in producing this result. This I apprehend, however, to be altogether supposition and not founded in fact. However oppressive the Tariff may be to South-Carolina, I cannot see its bearing on this case, for I will venture to assert that Mr. Simmons is far more heavily taxed by the General Government than Mr. McDuffie, and receives no greater bounty in return. A large portion of Mr. Simmons' investment is in machinery, and probably of English manufacture—for there are large quantities of European machinery used in Rhode Island. On this outlay, he pays to the Government, a duty of 40 per cent. Personally, he certainly consumes as many taxable articles; and his fine dressed factory girls must pay four times the tax to the Government, that is paid for the clothing of Gen. McDuffie's negroes,—leaving out of the case the fact that he (Gen. McD.) raises his own wool, and spins and weaves it, on his own place, being only at the expense of cotton warp thread, to make the Linsey, which constitutes the winter clothing of his negroes. He purchases blankets for the use of his slaves. Mr. S., in the rigorous climate of Rhode Island, is not without the same necessity, for the use of his operatives.

I will now proceed to investigate which man should be considered the most useful to his country, he who manufactures 600 bales of cotton into cloth, or he who produces the same from the soil? It will be borne in mind that, at this time, there are vastly more cotton goods made in the United States than is sufficient to supply home consumption; consequently a large portion of them are exported to foreign nations. There are now about two hundred and fifty thousand new spindles being made and imported, to be put in operation in this country, in the course of the coming twelve months. These will be competent to consume one hundred thousand additional bales of Cotton, of three hundred and forty-five pounds each. As the home market is already over-supplied, the capitalists now embarking in the business, cannot look to anything but foreign trade, for the consumption of their fabrics. This hundred thousand bales of Cotton, when worked up, will have to be exported, and for each hundred bales of domestics so shipped away, the manufacturer, according to our mode of calcu-

lation, will have to pay to the Government forty bales, for returning the same to this country in merchandise.

It is not at all improbable that Mr. Simmons exports all his fabrics; for the markets to which we export, are notoriously better than we can find at home. These goods will find English competitors in any country to which they may be taken, and the fact that the cotton manufacturers of this country, can effect sales abroad at remunerating prices, is conclusive evidence that such goods are sold in this country as cheap, or cheaper, than they can be brought from any other country, free of duty—and that those engaged and engaging in this branch of business, are not looking to Government for laws to enhance the price of their goods.

To proceed, I will now suppose that Mr. Simmons, of R. I., manufactures the same quantity of cotton that Gen. McDuffie raises. One acquainted with both branches of the business, would then come to the conclusion, that the former employs about half the number of hands that are engaged with the latter; and, to make a clear case of it, I will suppose Mr. Simmons to be located in South-Carolina, on the Savannah river, by the side of Gen. McDuffie, and that the latter raises 600 bales of cotton, while the former converts it into cloth, and ships it to a foreign country, bringing back for the same, 25 or 30 cents per lb. instead of 6 or 7 cents, as the raw material would, if sent away. Which of these two individuals, then, should be considered the more useful to his country? It would not take a school boy long to decide the question. It cannot be denied that, whether in Rhode Island, Maine, or South-Carolina, he who takes a raw material and converts it into a fabric, increasing its value fourfold, and sends the same to a foreign country, to be returned in merchandise, or money, is a more useful citizen to the country than he who, having a large number of laborers at command, continues to produce an article which the world is already overstocked with, thus adding to a cause which may carry prices to a point, far below what has ever yet been known, and which may prove ruinous to our whole country. No man can doubt the fact, that any large cotton planter would be a far more useful citizen, were his plantation converted into a provision farm, and he engaged, as Mr. Simmons is, with half his force, in cotton spinning,—consuming 600 bales of cotton, instead of producing the same,—thus lightening instead of increasing the burthen of the country.

CHAPTER III.

However unpopular the doctrine of encouraging domestic industry, in South-Carolina, may be, I feel satisfied that there are few individuals so ultra in their notions, with regard to our being exclusively agricultural, that will not feel charmed with the idea of *domestic industry;* it carries with it the idea of an improved condition of our country—of compensated industry, and comforts around us. It is to be lamented, that our great men are not to be found in the ranks of those, who are willing to lend their aid, in promoting this good cause. Are we to commence another ten years' crusade, to prepare the minds of the people of this State for revolution ;* thus unhinging every department of industry, and paralyzing the best efforts to promote the welfare of our country. Already do we hear of persons, high in the estimation of our State, largely engaged in cotton planting, and on the side of State resistance, expressing doubts as to the permanency and safety, of any investments, that can be made in South-Carolina. Lamentable, indeed, is it to see so wise and so pure a man as Langdon Cheves, putting forth the doctrine, to South-Carolina, that manufactures should be the last resort of a country. With the greatest possible respect for the opinions of this truly great man, and the humblest pretensions on my part, I will venture the assertion, that a greater error was never committed by a statesman. No good is without its evil, and I am free to confess, that when a people become so infatuated with the spirit of manufactures, as to undertake to force large establishments into unnatural existence, at the expense of other pursuits, they are committing an error by making an evil of that, which would otherwise be a great blessing. I admit, also, that agriculture is the natural and "blessed employment of man;" but, that a country should become eminently prosperous in agriculture, without a high state of perfection in the mechanic arts, is a thing next to impossible—to be dreamed of, not realized—a picture of the imagination, not to be found in reality on the face of the globe.

What does this gentleman mean by agriculture ? Does he intend that we shall follow the footsteps of our forefathers, and still further exhaust our soil by the exclusive culture of cotton? Does he not know that this system has already literally destroyed our State, and driven from it wealth and population—that many

*Those who are disposed to agitate the State and prepare the minds of the people for resisting the laws of Congress, and particularly those who look for so direful a calamity as the dissolution of our Union, should, above all others, be most anxious so to diversify the industrial pursuits of South-Carolina, as to render her independent of all other countries; for as sure as this greatest of calamities befalls us, we shall find the same causes that produced it, making enemies of the nations which are at present, the best customers for our agricultural productions.

of its wealthiest and most enterprising citizens have left it, in search of new and more productive lands? Does he not know that money is not wealth to a nation, unless it is spent within its borders, in the improvement, mental and physical, of the condition of its inhabitants,—in the renovation of its soil,—in the construction of roads and bridges,—in the erection of fine houses, and in planting orchards, and making barns for the protection of produce and live stock. This is indeed a kind of wealth that will never be realized in South-Carolina, without domestic manufactures. And, lest I be misunderstood as to what I mean by domestic manufactures, I will here state, that I mean the erection of steam mills in Charleston, for every purpose that our mechanics may desire, to enable them to compete with foreigners in the manufacture of thousands of articles, now imported into the State—the erection of Steam Cotton manufactories to employ the poor and needy of this city, and the hundreds who seem to have little else to do, than follow our military parades through the streets,—the erection of Cotton manufactories throughout the State, to employ our poor and half starved population, whose condition could not but be improved, in working up a part of our cotton into cloth, to cover their nakedness, and to clothe our negroes and ourselves, at a cost, for the manufacture of the coarse fabrics (osnaburgs) of 2¼ cents per lb. and for the finer, such as brown and bleached shirtings, drillings, and cotton flannels, of from 3 to 8 cents per pound, instead of sending the same abroad to be returned to us, charged with 12 cts. per pound for osnaburgs, and from 20 to 65 cents, for the other articles named. I mean that, at every village and cross road in the State, we should have a tannery, a shoe-maker, a clothier, a hatter, a blacksmith, (that can make and mend our ploughshares and trace chains,) a wagon maker, and a carriage maker, with their shops stored with seasoned lumber, the best of which may be obtained in our forests. This is the kind of manufactures I speak of, as being necessary to bring forth the energies of a country, and give healthful and vigorous action to agriculture, commerce and every department of industry, and, without which, I ventured the assertion that this State can never prosper. This is the state of things that every true friend of South-Carolina ought to endeavor to bring about. If he wishes to see her worn out and desolate old fields turned into green pastures, her villages brightened up with the hand of industry, her dilapidated farm houses taken down, to be replaced by opulent mansions, her muddy and almost impassable roads graded and M'Adamized, let him use his endeavors to make the people of South-Carolina think less of their grievances and more of the peaceable means of redress—let our politicians, instead of teaching us to hate our Northern brethren, endeavor to get up a good feeling for domestic industry—let them teach our people that

the true mode of resistance will be found in making more and purchasing less ;—let them endeavor to satisfy our capitalists that we are not on the verge of revolution, but that there is safety in investments in South-Carolina, and no necessity of seeking, for such purposes, the stocks of others, or readily convertible ones of our own. There is no lack of capital in South-Carolina ; Charleston, herself, possesses all the requisites, and it is only necessary that public attention should be properly directed to this vast field, for profitable investments, in this State, and to give assurances of political stability and safety, to bring it out, and to stop the millions which are being all the time transferred from the South to the North, and with it would be retained amongst us, the enterprising merchant, who, on his retirement from the toils of business, would forget the green fields and pleasant ways of his native land, to mingle with us in domestic industry.

Let the manufacture of cotton be commenced among us, and we shall soon see the capital that has been sent out of our State, to be invested in Georgia State, and other foreign stocks, returned to us. We shall see the hidden treasures that have been locked up, unproductive and rusting, coming forth to put machinery in motion, and to give profitable employment to the present unproductive labor of our country. To give an idea of the various sources from which capital is drawn, for such purposes, I will state how the Merrimack Company, at Lowell, is made up. It is composed of 390 Stock-holders, of whom there are, 46 merchants and traders ; 68 females ; 52 individuals retired from business ; 80 administrators, executors, guardians and trustees ; 23 lawyers ; 18 physicians ; 3 literary institutions ; 15 farmers ; 40 secretaries, clerks and students ; 45 mechanics, and persons employed ed in the service of the company, who hold stock to the amount of $60,000.

Cotton manufactures have been the pioneers which have introduced and given an impetus to all other branches of mechanism in Great Britain, the continent of Europe, and this country. Taking this for granted, one would suppose, that the persons who established the extensive Iron Establishment, now in operation in the mountainous parts of our State, although, actuated by an enterprising spirit, counted without their host—it was really putting the cart before the horse. I trust, however, that, a change in our industrial pursuits is soon to take place, which will give a new aspect to things in that quarter, that those establishments are yet to thrive, proving to be inexhaustible sources of wealth to our State, and monuments to the enterprise of their projectors. If South-Carolina commence the manufacture of cotton in earnest, these works will be brought into requisition, and the iron produced by them, will no longer be sent to the Eastern States, to be turned into plough-shares for us. The

endless sources of demand which will spring up for it, will cause a home consumption for it all.

The cheapness of water power, if not the chief, will at least constitute one important element of success with us. There is, probably, no State in the Union, in which water power is more abundant. Leaving out of the question, as being too tedious to enumerate, the great number of water falls on the tributary streams of the Peedee, Wateree, Broad and Saluda rivers, we will notice those only, in the immediate vicinity of our two lines of rail-road to Columbia and Hamburg, that is, within five miles of them. In the most healthy regions of the State, abounding with granite and building timber, water power may be found, sufficient to work up half the crop of South-Carolina, all of which is nearly valueless at the present time. For the information of such as are not acquainted with the manner of computing the force of falling water, I will state, that the quantity of water used by the generality of saw mills, running but one saw, with a head of 10 feet, will be sufficient to produce, if raised to a head of 15 feet, 50 horse power. From this statement, persons may easily calculate what such water-falls would be worth, if located at Lowell, or near Philadelphia. In Lowell water power is sold at $4 per spindle, which is equal to $262 for each horse power. At Manyunk, 5 miles from Philadelphia, it is sold for $100 for every square inch of under a 3 feet head, and over a 20 feet fall; this is equal to $1,016 for each horse power. It is not so valuable at places unfavorably located; but the price at which it sells in those above mentioned, accounts at once for the eagerness, with which such property is sought after, in situations remote from navigation, and even in mountainous countries.

God speed on the glorious result, that may be anticipated from so great a change, in our industrial pursuits. Were all our hopes, in this particular, consummated, South Carolina would present a delightful picture. Every son and daughter would find healthful and lucrative employment; our roads, which are now a disgrace to us, would be improved; we would no longer be under the necessity of sending to the North for half made wagons and carriages, to break our necks; we would have, if not as handsome, at least as honestly and faithfully made ones, and mechanics always at hand to repair them. Workshops would take the place of the throngs of clothing, hat, and shoe stores, and the watch-word would be, from the seaboard to the mountains, success to domestic industry.

CHAPTER IV.

We want no laws for the protection of those that embark in the manufacture, of such cotton fabrics, as we propose to make in South-Carolina; nor does it follow, as a matter of course, that because we advocate a system which will diversify the pursuits of our people, and enable them to export a portion of one of our valuable staples, in a manufactured state, that we wish manufactures to predominate over other employments. All must admit that, to a certain extent, the system we advocate could not operate otherwise than to produce beneficial results, by regulating prices—by insuring a certain reward to labor—a profitable income to capital, and by infusing health, vigor and durability into every department of industry. It is a well established fact, that capital employed in this State, in the culture of cotton, does not, with ordinary management, yield more than 3 or 4, and in some instances, 2 per cent.; this being the only mode of employing our capital, except in the culture of rice, how can we expect to retain men of *capital* and *enterprise* among us? Those having the first, must be wholly wanting in the last—or they must possess an extraordinary attachment to the land of their nativity, to remain with us under such a state of affairs.

With this fact before us, is it surprising that South-Carolina should remain stationary in population? And let it be remembered that the same cause which has produced this result, will continue to operate hurtfully, in the same ratio, as the price of our great staple declines. In all probability, an additional outlet will soon be opened to drain us of our people and our capital. How much this is to take from us, remains to be seen. Unless we betake ourselves to some more profitable employment than the planting of cotton, what is to prevent our most enterprising planters from moving, with their negro capital, to the South-West? What is to keep our business men and moneyed capital in South-Carolina? Capital will find its way to places that afford the greatest remuneration, and in leaving our State, it will carry with it, its enterprising owner. These are truly unpleasant reflections, but they force themselves upon us. Who can look forward to the future destiny of our State, persisting, as she does, with such pertinacity, in the exclusive and exhausting system of agriculture, without dark forebodings. If we listen much longer to the *ultras* in agriculture and *croakers* against mechanical enterprise, it is feared that they will be the only class left, to stir up the indolent sleepers that are indisposed to action, and that are willing to let each day provide for itself.

Since the discovery that cotton would mature in South-Caro-

lina, she has reaped a golden harvest; but it is feared it has proved a curse rather than a blessing, and I believe that she would at this day be in a far better condition, had the discovery never been made. Cotton has been to South-Carolina what the Mines of Mexico were to Spain, it has produced us such an abundant supply of all the luxuries and elegancies of life, with so little exertion on our part, that we have become enervated, unfitted for other and more laborious pursuits, and unprepared to meet the state of things, which sooner or later must come about. Is it out of place here to predict, that the day is not far distant, yea, is close at hand, when we shall find that we can no longer *live* by that, which has heretofore yielded us, not only a bountiful and sumptuous living, at home, but has furnished the means for carrying thousands and tens of thousands of our citizens abroad, to squander their gold in other countries—that we have wasted the fruits of a rich, virgin soil, in ease and luxury—that those who have practised sufficient industry and economy to accumulate capital, have left, or are leaving us, to populate other States.

We shall indeed soon be awakened to look about us for other pursuits, and we shall find that our soil has to be renovated—our houses and workshops have to be built—our roads and bridges have to be made, all of which ought to have been done with the rich treasures, that have been transferred to other States. Let us begin at once, before it is too late, to bring about a change in our industrial pursuits—let us set about it before the capital and enterprise of our State has entirely left us—let croakers against enterprise be silenced—let the working men of our State who have, by their industry, accumulated capital, turn out and give a practical lesson to our political leaders, that are opposed to this scheme. Even Mr. Calhoun, our great oracle—a statesman whose purity of character we all revere—whose elevation to the highest office in the gift of the people of the United States, would enlist the undivided vote of South-Carolina—even he is against us in this matter; he will tell you, that no mechanical enterprise will succeed in South-Carolina—that good mechanics will go where their talents are better rewarded—that to thrive in cotton spinning, one should go to Rhode Island—that to undertake it here, will not only lead to loss of capital, but disappointment and ruin to those who engage in it.

If we look at this subject in the abstract only, we shall very naturally come to the above conclusions; it is, however, often the case, that practical results contradict the plainest abstract propositions, and it is hoped, that in the course of these remarks, it will be proved to the satisfaction of at least, some of our men of capital and enterprise, that the spinning of cotton may be undertaken with a certainty of success, in the two Carolinas and Georgia, and that the failures which have taken place, ought not

to deter others from embarking in the business, they being the result of unpardonable ignorance, and just such management on the part of those interested, as would prove ruinous in any other undertaking.

There are those who understand some things, as well as, if not better, than other people, who have taken the pains to give this subject a thorough investigation, and who could probably give, even Mr. Calhoun, a practical lesson concerning it. The known zeal with which this distinguished gentleman has always engaged in every thing relating to the interest of South-Carolina, forbids the idea that he is not a friend to domestic manufactures, fairly brought about; and, knowing, as he must know, the influence which he exerts, he should be more guarded in expressing opinions adverse to so good a cause.

Those who project new enterprises, have in all ages and countries had much to contend with, and if it were not that we have such immense advantages, in the cheapness of labor and of the raw material, we might despair of success in the manufacture of cotton in South-Carolina. But we must recollect that those who first embarked in this business in Rhode Island, had the prejudice, of the whole country against them. There were croakers then as well as now, and in addition to all the disadvantages we have to contend with, the wide ocean lay between them and the nations skilled in mechanic arts—the laws of England forbade the export of machinery, and affixed heavy penalties to prevent the emigration of artisans, and it was next to impossible to gain access to her manufacturing establishments; so that these men were completely shut out from knowledge. How is with us? We find no difficulty in obtaining the information, which money could not purchase for them, and which cost them years of toil. The New England people are anxious for us to go to spinning cotton, and they are ready and willing to give us all the requisite information. The workshops of England and America are thrown open to us, and he who has the capital at command may, by a visit to England, or to our Northern machine shops, supply himself with the best machinery that the world affords, and also the best machinists, and most skilful manufacturers to work and keep it in order. With all these advantages, what is to prevent the success of a cotton factory in South-Carolina? It may safely be asserted, that failure will be the result of nothing but the grossest mismanagement.

It will be remembered, that the wise men of the day predicted the failure of *steam navigation*, and also of our own rail road; it was said we were deficient in mechanical skill, and that we could not manage the complicated machinery of a steam engine, yet these works have succeeded—we have found men competent to manage them—they grow up amongst us, and we are not only

able to keep such machines in order, but to build and fit them to steamboats, mills, locomotive carriages, &c. and the shops engaged in this sort of manufactures, do away with much of the reproach that attaches to our city—they remove many of the obstacles in erecting cotton factories, for they can furnish steam engines, water wheels, shafting, and all the running gear to put machinery in operation.

CHAPTER V.

Surely there is nothing in cotton spinning that can poison the atmosphere of South-Carolina. Why not spin as well as plant cotton? The same hand that attends the gin may work a carding machine. The girl who is capable of making thread, on a country spinning wheel, may do the same with equal facility, on the *throstlé frame.* The woman who can warp the thread and weave it, on a common loom, may soon be taught to do the same, on the *power loom*; and so with all the departments, from the raw cotton to the cloth, experience has proved that any child, white, or black, of ordinary capacity, may be taught, in a few weeks, to be expert in any part of a cotton factory; moreover, all overseers who have experience in the matter, give a decided preference to blacks as operatives.*

There are many reasons why blacks should be preferred: two of which may be adduced. First—You are not under the necessity of educating them, and have, therefore, their uninterrupted services from the age of eight years. The second is, that when you have your mill filled with expert hands, you are not subjected to the change which is constantly taking place with whites. In the Northern States, these are inconveniences of no small moment. In Massachusetts, the laws forbid the employment of persons under *fourteen* years of age, unless the employer can show a certificate from a school master, stating that the individual

*Montgomery, an English manufacturer, after a residence of eight years in this country (in his Treatise on the Cotton Manufactures of the U. States compared with Great Britian), says: "If the experiment of slave labor succeed in factories as is confidently expected, the cost of manufacturing the cotton into cloth will be much less there [U. S.] than any where else, so that it will not be surprising if in the course of a few years, those Southern factories should manufacture coarse cotton goods, and sell them in the public markets, at one-half the price, at which they are manufactured in England. There are several cotton factories in Tennessee operated entirely by *slave* labor, there not being a white man in the mill but the superintendent, and according to a letter lately received from the superintendent of one of these factories, it appears that the blacks do their work in every respect as well as could be expected from whites."

has been at school three months in the year. The teaching of new hands and the constant change of operatives, are evils seriously felt; and in the summer season, when it is desirable to ramble in the country, many eastern factories have one-third of their machinery standing idle for the want of hands. While on this part of my subject, I would ask, shall we stop at the effort to prove the capacity of blacks for manufacturing? Shall we pass unnoticed the thousands of poor, ignorant, degraded white people among us, who, in this land of plenty, live in comparative nakedness and starvation? Many a one is reared in *proud* South-Carolina, from birth to manhood, who has never passed a month, in which he has not some part of the time, been stinted for meat. Many a mother is there, who will tell you that her children are but scantily supplied with bread, and much more scantily with meat, and if they be clad with comfortable raiment, it is at the expense of their scanty allowance of food. These may be startling statements, but they are nevertheless true, and if not believed in Charleston, the members of our Legislature, who have traversed the State, in electioneering campaigns, can attest their truth.

It is only necessary to build a manufacturing village of shanties, in a healthy location in any part of the State, to have crowds of these poor people around you, seeking employment at half the compensation given to operatives at the North. It is indeed painful to be brought in contact with such ignorance and degradation; but on the other hand, it is pleasant to witness the change, which soon takes place in the condition of those, who obtain employment. The emaciated, pale-faced children, soon assume the appearance of robust health, and their tattered garments are exchanged for those suited to a better condition; if you visit their dwellings, you will find their tables supplied with wholesome food; and on the Sabbath, when the females turn out in their gay colored gowns, you will imagine yourself surrounded by groups of city belles. How easy would it be for the proprietors of such establishments, with only a small share of philanthropy, to make good use of the school fund in ameliorating the condition of this class of our population, now but little elevated above the Indian of the forest. The cause of this degradation and poverty will hereafter be noticed; it is an interesting subject, and one that ought to engage the attention of every philanthropist and christian. It is, perhaps, not generally known, that there are *twenty-nine thousand* white persons in this State, above the age of twelve years, who can neither read nor write—this is about one in every five of the white population.

That we are behind the age in agriculture, the mechanic arts, industry and enterprise, is apparent to all who pass through our State; our good city of Charleston speaks a language on this

subject not to be mistaken; she has lost 1000 of her population, according to the census of 1840, while her sister cities have doubled and quadrupled theirs; she has had, for thirteen years, the advantage of the South-Carolina Rail Road, which under ordinary circumstances should have doubled the number of her population. How does she now stand? Precisely where she stood twenty years ago, and, but for the two conflagrations which swept off many of her old houses, she would present at this moment, the same appearance that she did in 1824. Where is the city in this age of improvement, except Charleston, that a book-binder, or job-printer is prohibited the use of a small steam engine, to enable him to carry on his business with more facility, and to cheapen the price of those articles that we are purchasing from other cities, more liberal to their artisans? and where a carpenter is not allowed the use of the same, to turn a circular saw or drive a mortising chisel, to enable him to compete with others in supplying us with ready made doors, blinds, sashes, shutters, &c? Even the boxes in which our merchandize is packed, are made in the city of New-York by steam power, and brought to our very doors. The book-binder, tanner, currier, hatter, wagon maker, carriage maker, carpenter, turner, tinner, and in fact, persons engaged in every branch of mechanism, find steam power indispensable; and knowing, as we do, that they are unrestricted in its use, in other cities, why are our mechanics forbid to use it in this city? There is a strong disposition manifested by this class of our citizens to elevate and improve their several trades, and if they are properly encouraged, there is no doubt that a great change would soon be brought about; but the labor of negroes and blind horses can never supply the place of *steam*, and this power is withheld lest the smoke of an engine should disturb the delicate nerves of an agriculturist; or the noise of the mechanic's hammer should break in upon the slumber of a real estate holder, or importing merchant, while he is indulging in fanciful dreams, or building on paper, *the Queen City of the South*—the *paragon* of the age. No reflections on the members of the City Council, are here intended, they are no doubt fairly representing public opinion on this subject; some of that body are known to be in favor of a modification of these restrictions, which certainly are behind the age, and a reproach to our city. Our mechanics ought to rise in their strength, and procure the signature of every liberal minded man, to a *petition* to the city authorities, asking that they may be placed on the same footing, in this respect, as the tradesmen of other cities.

These restrictions are but in character with many other things; and while we are on this subject, permit me to ask, whether any other town of the same size, would have allowed the greatest work of the age—the Hamburg rail road—to come into the city

and find its terminus in a mud hole, scarcely passable in the the winter season for a family carriage, much less for a loaded wagon. It cannot be denied that it is a disgrace to the City and Neck, that this great work, which will immortalize its projectors, should not have been met by a stone road leading from it to our wharves. That the hundreds of thousands of bales of produce and merchandise that have entered into, and departed from our city, during the last thirteen years, should have been dragged through the sand and mud of King and Meeting-streets, demonstrates a fact, about which there can be no mistake—the hand of enterprise is not among us. And shall we continue in our downward course? Is it not time that a warning voice were raised, to proclaim to the good people of Charleston, that in these times of enterprise, no city need expect to thrive that does not encourage and foster the mechanic arts and artisans? It is this class of men that gives life, strength and vigor to all branches of trade, and every department of life, and if they were properly encouraged, our city authorities would no longer have to resort to dram shop licenses for revenue; money would soon be found to pay her debts and pave her streets. Let our City Council begin, by removing the restrictions on the use of the steam engine. Who would not rather have an occasional whiff of smoke from a steam engine, than the scent of an odious grog shop? The former a benefit, the latter a curse to the community. So far as fire risks are concerned, it would be safer to have three engines, than one such magazine of mischief and corruption, licensed by our City Council, under the title of "retailers of ardent spirits."

Need any thing be said about the amount of capital required for embarking in these pursuits? It is only necessary to revert to the fact, that lands and negroes pay but *three* per cent. when engaged in the culture of cotton, and to name the price of 5 and 6 per cent. State stocks. Need a word be said as to the men who are to carry on these enterprises? It is only necessary to point you to the bone and sinew that are leaving our city and State, to enrich and populate others. Any one that has visited Mississippi and Alabama, can soon point out the *maelstrom*, that has swallowed up so much of the capital and enterprise of South-Carolina.

The period is fast approaching in South-Carolina, which shall produce a great change in these matters. Many persons are now looking to the subject of manufactures with intense interest, and it is believed that many men of capital would at once embark in this business, could this field for profitable enterprise, be laid open before our wealthy business men of Charleston, a host of whom can be found, with nerves that never tire, and with as much forecaste and shrewdness as the merchant manufacturers

of Boston, and these latter gentlemen see that it is only necessary that Georgia and the two Carolinas shall engage in the manufactory of *coarse* cotton fabrics, in order to monopolize the trade in these articles. What is to prevent such a result? Have we not the raw material on the spot, thus saving the freight of a double transportation? Is not labor cheaper with us than with our Northern brethren? and if we believe that they are reaping such golden harvests, what shall prevent our participation in the spoils? Let the ball be set in motion, then will our miserably poor white population at once rise from their ignorance and degradation, and we shall no longer hear the complaint, that planting capital will pay no more than 3 per cent. The commerce and trade of our State would at once receive a fresh impulse—our city would become a mart for domestic goods—rail road stocks would increase in value—our city would disrobe herself of her old fashioned, rusty, tattered and torn garments, to be clad in the fashionable clothing of the day—her whitened walls and improved suburbs would remind the stranger as he passed through, that the hand of industry and enterprise was at work among us. Our retired merchants would find it no longer necessary or desirable to invest their capital, or look for rural retirement in other States. They would find that we have in our up-country, within a few hours ride of Charleston, all the advantages that we can desire for such purposes; and besides spending our money among ourselves, they would also find that there is no better country for the profitable employment of capital, or rural retirement, than in our own State.

CHAPTER VI.

In New-England there are two distinct systems of manufacturing pursued. The Massachusetts and New-Hampshire establishments are on an extensive scale and are almost universally owned by joint stock companies, composed principally of the merchants of Boston. They are careful to employ the best talents the country affords, and have matters so systematically arranged that (as will be hereafter shown) there is no possibility of failure, even to a joint-stock company, unless the business becomes so profitless as to ruin the whole country. Mills owned, or under the influence of Boston capitalists—such as those in Cabotville, Chickopee, Waltham, Lowell, Nashua, Jackson, Manchester, and other places—generally contain about 6,000 spindles each, some 10,000, and recently, others are being erected, to contain 20 and

25,000. Each company has an agent, whose office is in Boston, and another at the factory; the latter has direct charge of the mill, or mills, as the case may be—for there are frequently two, three, and even four factories owned by the same company and in the same enclosure. Each factory has an overseer for the carding department, who, generally speaking, is skilled in this department only; also a spinner, a dresser, a weaver and a machinist. These men have no charge except their particular departments; they hire their own hands, (being under certain restrictions), make certain repairs, and direct others to be made by the machinist, and are responsible to the agent for the manufacture of a given number of pounds of cotton per day, at a cost of a given number of mills per pound. For instance, every Saturday night the agent receives a report showing the number of lbs. raw cotton passed into the carding room, and the number of lbs. of cloth taken from the weaving room—the *carder* shows by his *pay list* that he has carded the same for 6 mills per lb.—the *spinner* that he has spun it for 5 mills per lb.—the *dresser* that he has warped, beamed and dressed it for 3 mills—and the *weaver* that it has been woven for 8 mills, and baled for 1 mill per lb. At the end of the month the agent at the factory makes out a statement for the agent in Boston, showing the number of hands employed at the mill, male and female—the average wages paid—the number of lbs. of raw cotton used—the number of yards and pounds of cloth produced and forwarded to their commission merchant—and the entire cost of manufacturing and delivering the cloth at Boston, giving the items as above stated. These statements from the various establishments are compared in Boston; in fact, the proprietors club together, compile them, and place a book in the hands of each agent for reference, so that they are constantly apprised of what others are doing; and each carder, spinner or weaver knows the minimum cost at which his particular department has been accomplished. The general result proves to the company the fitness of their agent. The cheapness with which any particular department is performed is a test of the skill and industry of the subaltern in charge of the same. Knowing the cost of the raw material—the quantity of waste—the precise cost of producing cloth—and its worth in the market—the manufacturers are at once placed in a position not to sink money, unless they chose to do so, in times of great embarrassment, as a matter of charity to their hands. These Boston establishments (for so I may call them) are all very similar. The *dead* spindle for warp, as well as for filling, is universal; and each factory is erected for a particular purpose, and confined exclusively to it. For instance,—some mills have their machinery adapted to the manufacture of *osnabvrgs*, and can make nothing else,—some are adapted to, and are run exclu-

sively on *brown sheetings* 37 inches wide—some on 3-4 *sheetings* —some on *drillings*, and others on print cloths. They are run for years on the same thing, and as the proprietors never think of changing, the consequence is, that their hands having but one operation to perform, become so completely drilled in it, that they are run at a speed incredible to one who has never witnessed it.

In Rhode Island things are very different. Providence is the centre of radiation for manufacturing knowledge. In cotton manufacturing, all look to her as the mother of manufactures, as the seat of knowledge in this art. In this State, although there are many joint-stock companies, yet individual establishments predominate. There are many large establishments owned by persons reared behind the spinning-jenney—others owned by capitalists and rented to practical manufacturers. Many mills fitted with water wheels, are built by persons owning water power, and rented to others owning machinery. Every pound of water power is already employed, steam power is getting into use, and manufacturing may be said to be the business of Rhode Island. Wages are lower here than in Massachusetts, and economy is more generally practised. They make *fine* goods and add a far greater value to each lb. of cotton, realizing in *quality*, by skill and close application, what the Massachusetts people do in *quantity*, by their coarse fabrics. In Rhode Island, English machinery is often used, the *live* spindle for *warp* and the *mule* for *filling*, this being, doubtless, the best kind of machinery for fine goods and skillful operatives; but it is evident that the Massachusetts machinery is the sort that should be introduced among us, and that the system pursued in that State is the one best adapted to our habits and institutions. Cotton manufacturing will not, probably, be speedily introduced into this State, unless our business men of capital take hold of it. Merchants and retired men of capital may erect factories, and work them with white hands, or purchase blacks for the purpose—our wealthy planters may engage in this business and turn their young negroes in for workers, but it will be long before the Southern States shall have a set of manufacturers similar to those in Rhode Island; they must grow up among us, as engine makers and rail road engineers have done.

I will now give a statement of the cost of manufacturing in Massachusetts; which being so nearly the same throughout the whole country, it will be necessary only to name one or two establishments, to form a correct estimate of the whole; and it is proper to select such as are making the kind of goods that it is desirable to introduce into this State. I will therefore, notice four mills in Lowell, belonging to one company, and in the same enclosure, under one agent. They contain, each 7168 spindles

and 216 looms; they are constructed to spin Nos. 12 and 14 yarn, and to weave 37 inch sheetings, 3 20-100 yards to the lb. —3-4 sheetings, 4 55-100 yards to the lb.—and drillings, 2 85-100 to the lb. The two mills engaged in making 37 inch *sheetings*, turned out, for the six months ending 30th June last, say mill No. 1, 561,544 lbs of cloth, being 1,820,495 yds. Mill No. 2, produced in the same time, 571,869 lbs., being 1,842,776 yds. The other two mills produced similar results. The cost per lb. for the labor of manufacturing in the two mills, was as follows:

	Mill No. 1.	Mill No. 2.
For Carding, - -	6 75-100 mills	6 18-100 mills
" Spinning, - -	7 46-100 "	7 51-100 "
" Dressing, - -	4 65-100 "	4 71-100 "
" Weaving and baling,	1,3 05-100 "	1,2 73-100 "
Total cost,	3,1 19-100 "	3,1 13-100 "

It will, by this statement, be perceived that the cost for the manufacture of this article, (the wholesale price of which, at the present time, in this market, is 7 cents per yard) is but 3 cents 1 mill and a fraction per lb.

Let us now suppose the operation to be performed in this State. The raw material would cost 5 cents, allow 10 per cent. for the waste, and we have for the cost of the raw material, 5 cents 5 mills; add to this 3 cents 1 mill, and we have 8 cents 6 mills as the entire cost of one lb. of cloth, 3 20-100 yards to the lb., which at 7 cents per yard, gives 22 cents 4 mills, as the value per lb. of the cloth manufactured. The quantity of cloth turned out by the two mills, in six months, was as follows:

1,133,413 lbs. at 22 cents 4 mills, gives		$253,884 50
Cost of raw material,	$61,837 71	
Cost of labor in the mill,	35,205 81	
		97,843 52
Gross profit,		$156,840 98

From the above result it appears that the enormous sum of $156,840 98 would be left to pay the out door expenses of two mills, for six months, the balance being nett profit to the owners.*

* In my calculations showing the large gross profits accruing to the Lowell companies, it must not be supposed, that these companies are dividing such large amounts as *nett* gains to their stockholders. It is a fact clear enough to any one, that the difference between the cost of the raw material and the price of goods manufactured, is made to the community in which the operation is performed; yet, lest those disposed to embark their capital in such pursuits, should be deceived

I will now exhibit a statement of another mill in Lowell engaged in making *osnaburgs*, the machinery being adapted to this particular article, and making nothing else. This mill contains 64 carding machines, 4864 spindles, and 152 looms. It is worked by 174 hands, and spins No. 4½ yarn. It turned out in the six months, ending 30th June last, 796,900 lbs. of cloth, two yards per lb., making 1,598,800 yards of osnaburgs. The cost for manufacturing which, in the mill, was as follows:

For Carding, - -	5 94-100 mills
" Spinning, - - -	4 48-100 "
" Dressing, - -	3 22-100 "
" Weaving, - - -	8 15-100 "
" Baling, &c., - -	0 88-100 "
	2,2 67-100 "

It will thus be perceived that the entire cost, for the labor employed in making this article, is 2 cents 2 67-100 mills per lb. The cotton that is worked into these goods being very inferior, is worth in this market not over 4 cents per lb., therefore the value of the raw material for this establishment, adding 12½ per cent. for waste, say 896,512 lbs. of raw cotton at 4 cents being $35,860 48-100—and the cost for manufacturing the same, at 2 cents, 2 67-100 mills per lb. of cloth—is $17,933 75-100; while the market value of the same, say 1,593,800 yards at 9 cents per yard, is $143,842—leaving a balance of $90,047 77-100 to pay outdoor expenses, such as commissions, freight, oil, starch, insurance, interest on capital, &c. Generally speaking, all expenses, after paying operatives, (interest on capital included) are covered by ½ to 1 cent per yard, according to the quantity of the cloth turned out. These are not mere speculations, but actual results that can be vouched for; they present a fact that cannot but strike a *cotton planter* with great force, viz: *that* 174 *hands in* 12 *months*,

by the statement, I will state the average profits* of the Lowell companies, from the beginning of their existence to the present time, with this remark, that the Massachusetts company, from some cause or other, (probably the embarrassed state of trade from the year 1840 to the latter part of 1843), were not in haste to put their machinery in operation, a portion of which was not worked until May, June, and July last, and some portion, even as late as the middle of July had not yet been started.

While speaking of the *nett gains* of the Lowell manufacturers, we must not be unmindful that the town of Lowell manufactures about 66,313 bales of cotton, 345 lbs. to the bale, and adds (by simply spinning and weaving) about 20 cents to the value of each lb., making a gain to that place and its vicinity of upwards of *four millions of dollars*; a sum equal to one-third of the capital invested in this branch of cotton manufacturing in that place, and equal in value, to the entire crop of this State.

*See Table A. in the Appendix.

convert 4,329 bales of cotton, 345 lbs. to the bale, into cloth—about 24¾ bales to the hand; thus adding over $40 to the value of each bale.

Statements of other establisments in Cabotville, Fall River, Nashua, and Manchester are at hand, but it is not necessary to add them, as the results are similar. The last mentioned place, Manchester, in New-Hampshire, is located on the Merrimack river, at the Amoskeag falls. The first manufacturing establishment was built at this place, in the year 1838, in the woods; it now has five—the three Stark mills, and two belonging to the Amoskeag Company. These five mills contain 37,720 spindles and 1,106 looms. Two new mills are being erected—one to contain 20,000 spindles and 600 looms—the other, 25,000 spindles. The result of establishing these factories is, that a flourishing town, which now contains 7000 inhabitants, has grown up in the woods. It is supposed that the two mills now erecting, together with those already in operation, will have the effect of doubling the population in two years, and, in all probability, this town, in ten years, will exceed that of Lowell both in wealth and population.

I might mention many other places that have risen rapidily from the manufacture of coarse cotton fabrics, a business that belongs legitimately to us, at the South. At the risk of being considered tiresome, I will name one more. The town of Newburyport, Mass., was a thriving place and one of considerable trade, but from various causes it declined. Its trade had been absorbed by Boston and other places, so that its shipping interest had deserted it, and its wharves were desolate and valueless—town property had become worthless, and every thing about it seemed going to ruin. A few of its most enterprising property holders determined to make an effort to resuscitate it, by establishing manufactures, and having no water power they resorted to steam. It acted like a charm. The three or four establishments put in operation, have all done well and produced a new state of things. The wharves are now crowded with shipping—the sound of the hammer is heard in every direction—new houses are being erected and old ones have been remodelled—real estate has not only advanced to its original value, but doubled and quadrupled it; and so it would be with Charleston, Augusta, Columbia, and other places at the South.

CHAPTER VII.

I will now undertake to show the cause of failure in *cotton spinning*, in this State, and the measures that must be adopted, to prevent similar results hereafter. In these efforts, I trust it will be proved that no fair experiment, or even an approach to it, has yet been made. The Saluda and Vaucluse Manufacturing Companies standing foremost, shall be first noticed.

These companies were formed in the year 1833, and there can be no doubt that they were stimulated to action by the best and most patriotic motives; but, however praiseworthy the motives, the result has been the cause of more harm to South-Carolina than can be repaired for many years to come. The failure of these Companies, is brought to the view of every one who turns his attention to the subject, and the effect is, to dampen ardor, and wither all such enterprises in the bud. These two establishments stand like rocks in the ocean, to warn the mariner of the approach of danger; but it is hoped, that on nearing the objects, they will be found to be mere delusions.

The original proprietors of the Saluda mill were a company formed, with the expectation of running 10,000 spindles, to make osnaburgs, shirtings, drills, muslins, fine yarn, coarse yarn, in fact every thing that might be desirable, to fill the shelves of a Columbia merchant. They seemed not to anticipate the necessity of looking to any other market for the sale of their goods. They employed a man wholly ignorant of such matters, (one who did not even know the difference between a throstle and mule spindle,) to lay out the establishment and get up the machinery, which was made by Mr. Alfred Jinks, of Bridesburg, near Philadelphia. It is fine machinery, but better adapted for making muslins than osnaburgs. This machinery is so arranged as to render it impracticable to adapt it to the Massachusetts system, and cannot, without many alterations and additions, be made to turn off, with a given number of hands, more than one-third the quantity stated as the product of the Lowell mills,—certainly not more than one-half, with the very best management. The different gentlemen, who have been interested in this establishment, have attributed its want of success to the bad management of agents; but the secret lies beyond the reach of overseers, and until many dollars are expended in new, or in altering the present machinery—and a new system, both as to the production and sale of their goods, is adopted—they may not expect to realize profit.

Now, in the outset, if this company, (composed of gentlemen of sufficient intelligence to carry on any enterprise), had gone to Boston for advice, they would have been warned against the

course they pursued, as being one that must inevitably lead to failure. They would have been advised to undertake the making of but one article, either osnaburgs or coarse sheeting ; to get all their machinery of the same description, adapted to the particular article they proposed making; to nail their colors to the mast, taking it for better or for worse ; to hire a carder, spinner, dresser, weaver, and an active and skillful young man as an overseer—taking the best talents that Massachusetts could afford. These men get from $1 50 to $2 per day, and, by adding 25 or 50 cents more, they would have offered inducements that would have commanded the very best. They should have employed a merchant in Columbia to purchase their cotton and receive their goods, who, after supplying the Columbia market, should have shipped the balance to Charleston, where there should have been but one agent. The merchant at Columbia should have been made to clear his shelves of all similar goods, and not to offer them for sale in broken packages—to sell, in Columbia, quantities not less than five bales, at the Charleston prices—to keep a set of books, and make monthly exhibits to the stockholders, showing the number of pounds of cotton sent to the mill, and and the number of yards and pounds of cloth returned. Had this system been pursued, it would have been only necessary to keep up a correspondence with the Lowell and other companies, receiving monthly statements to be compared with their own, in order to know, at all times, whether the mill was turning out its proper quantity. Every member of the company would soon have become so well acquainted with factory details, as to enable him to judge what quantity of cloth a given number of spindles ought to turn out, and the proof would, at all times, be at hand, whether the agent was doing his duty or not. There would then have been no chance for *leaks*—the books of the Columbia agent would have shown whether a sufficient number of pounds of cloth had been returned for a given quantity of cotton, after making a reasonable allowance for waste. The Charleston agent should have had entire control of prices. If a discreet merchant, he would not have allowed the goods to accumulate, nor would he, by forced sales, have brought an undue pressure on this market; the prices in which, do not now, but should always range up to the New-York market. It should have been this merchant's province to find markets for the goods in New-York, Philadelphia, Baltimore, New-Orleans, Mobile, and other places.

Now, had all this been done, there can be no doubt as to the result. This company, instead of wasting its capital, would have made immense sums of money, and, in all human probability, their success would have brought into existence, by this time, in the immediate vicinity of Columbia, ten such establishments as

those described in Lowell, and leaving out of view the profits which would have accrued to the owners, (for it matters not whether they be gainers or not), the difference between the cost of the raw material and the sum received for the sale of the manufactured article, would have been a clear gain to the people of Columbia and its neighborhood. The difference between the value of the raw material here and of the goods produced by the three mills, spoken of in Lowell, for the six months, ending 30th June last, would be $294,064, or $596,128 per annum. Ten such mills producing similar results, would yield to the community in which they were located, the sum of $1,897,093. This would have doubled the population of Columbia. Many an enterprise, never dreamed of before, would have had its birth and been natured by this time within her limits. Artisans from all parts of the world would have found their way to this delightful spot, and her suburbs would now be ringing with the busy hum of workshops, while her streets would show the marks of an increased trade, and she would not only be the capital, but the pride of our State.

I will now proceed to give a history of the Vaucluse Manufacturing Company, and of its manufacturing establishment, erected in the year 1833. This company was no doubt stimulated to action by the disposition that pervaded this State about that time, for manufacturing, bringing into existence the Marlboro, De Kalb, Saluda, and two or three smaller mills, and it is truly unfortunate for this State, that such mistakes should have been made.

Gen. McDuffie, and our worthy fellow citizen, the Hon. Mitchell King, were two of the principal stockholders in the Vaucluse Company. One would suppose that such men, engaging in a new enterprise, would have given the subject some sort of investigation. The position that these gentlemen occupy in the State, as to fortune and other things, is a proof of their ability and eminent success in such enterprises as have engaged their attention; but unfortunately for them, in this instance, they only looked across the waters, at the promised land—they fitted out their bark for the voyage, but went to sleep at the helm.

This company obtained a charter from the Legislature, and organized themselves by electing a President and five Directors. They wrote to Patterson, N. J., for machinery, suited to the manufacture of cotton and wool—fine and coarse cloth—assorted yarns, &c., thus, as will be perceived, splitting on the same rock which wrecked the Saluda Company. They committed the same error, of not looking beyond the supply of the immediate neighborhood, and so complicated their machinery as to render it impossible for it to produce profit, except by the nicest and most skillful management. The present proprietors of this

establishment have sold the woollen machinery and are remodelling the balance, but it will have to receive many additions in new machinery before it will be capable, with the best management, of turning out the quantity, per hand, that the Massachusetts mills do.

The strangest part of the story remains yet to be told. As above stated, this Company elected a President and five Directors to manage their affairs. This Board ordered the machinery to be made and sent out—appointed an agent to superintend the erection of a suitable building, for it, and houses for the operatives. Will the fact be credited, that this Board of Directors never had a meeting after its first organization, not even to receive the building from the contractor's hands? The factory ran, thus neglected by those appointed to look after its affairs, for two years and six months, and is it surprising that, instead of making money, they should have incurred a debt of $6000? Fortunately for the company, an individual undertook to purchase some of the shares, and after possessing himself of a number sufficient to excite some interest, he looked into matters and found the mill in charge of an ignorant Englishman, who received $5 per day. He knew nothing of the business, and as was afterwards proved, had never before had charge, even of a single department in a mill. He was, in fact, only a common operative, with neither truth nor honesty in him. This gentleman immediately determined to apprize the company of their real condition. It was with the greatest difficulty that a sufficient number of the stockholders could be brought together, to form a quorum, in order that measures of relief might be taken; and but for the debt of $6000, which was about to go into judgment, it is very questionable whether a meeting could have been obtained. The result of this meeting was, that the property was offered for sale. The gentleman alluded to above, who had purchased into the company, took up his abode at the Factory, as a summer residence—discharged the English overseer and took charge of the establishment in person—made the Factory turn out double its former product—purchased the cotton and other supplies—sold the goods, &c., and in eight months previous to the sale made a nett sum for the owners of about $11,000. This paid the debt and left a surplus of $5000, and but for this circumstance, the establishment would have sold for a mere song. The shares, fifty-four and a half in number, cost originally $1000 each. The sale produced about $750 per share. So ended the Vaucluse Manufacturing Company, and it is a matter of surprise that the stockholders did not sink their entire capital.

This company was followed by an individual owner, who it is said, realized profit; but his affairs were so complicated and embarrassed, that the mill received but little of his attention, and

being one of the kind, as before stated, which requires the strictest attention, it could not be expected to flourish. Its size forbids its being brought under the same system, and producing similar results, as the Massachusetts mills, and however profitable it may be to its present owners, it can never be considered a fair test of what cotton manufacturing will be, when properly introduced in this State.

Now, when we take all things into consideration, it is really a matter of surprise, that we have not long since made cotton manufacturing one of our leading occupations. When the Boston merchants embarked in it, they were as ignorant of it as we now are, while the Rhode Island people were eminently skilled in it; but this did not deter the former, when driven from their favorite occupation, from engaging in it. These gentlemen, not unlike our merchants and capitalists, and very similar to our intelligent cotton planters, embarked immediately in manufactures, which have indeed yielded them golden harvests. They are not the men to take off their gloves and perform manual manipulations, but they look on with their hands in their pockets, precisely as a cotton planter would do, and depend on the skill of an intelligent overseer, to produce good, practical results. It certainly has not been their economy that has caused them to amass great wealth. Their agents at the mills, or overseers, as we would call them, reside in fine houses and wear silk gloves. Their situations are similar to those of our Bank Presidents in Charleston; they have fine offices, and clerks to attend to their book-keeping; and let me here inform you, that in the ten corporations in Lowell, not one of the agents is a practical manufacturer, that is, a man brought up behind the spinning machine. Six out of the ten, are lawyers; they are, however, shrewd, business men, who look well to hiring good subalterns, and see that the results of the factory show, that they not only understand, but perform their business. They pay immense sums for water power. It would seem that economy was no part of the system of Boston manufacturers, for go where you may, you will find that they have indulged their fancy, by laying out immense sums of money in the erection of elegant and ornamental edifices for their machinery, and in arranging their grounds. They have actually built palaces for their overseers; and the boarding houses for the accommodation of their operatives, are what we in Charleston, would call fine houses, not inferior in quality and appearance to the best buildings, in the newly built portions of our city. I do not certainly exaggerate, when I say, that the most indifferent overseer's house in Lowell, at least such as I saw, cost more than the whole village of Vaucluse, containing upwards of 200 inhabitants, including a comfortable dwelling recently built as a residence for one of its

owners; and more money than all the houses which serve to accommodate the operatives of the Saluda Factory.*

When we view all these facts, and recollect that we have water power in any quantity, in healthy portions of our State, which can be purchased for a trifle—that we have the cheapest country on the face of the globe to live in, (for provisions are as cheap in South-Carolina as in Prussia, the cheapest portion of Europe,) adding to this our mild climate, making it even cheaper to live here than in Prussia—that the raw material can be had from 1 to $1\frac{1}{2}$ cents cheaper in the interior of this State than in the manufacturing towns of the North—and that we possess the cheapest, steadiest and most easily controlled labor to be found in the United States—*what*, let me ask, *is to prevent our success?* In addition to all these facts, when it is borne in mind that the Boston manufacturers pay their operatives $3 75 per week, (this is the average wages paid in Lowell, which governs all the other places in Massachusetts) and that while paying these high wages, they convert cotton into cloth at a cost of from $2\frac{1}{4}$ to 3 cents per pound, turning out in coarse fabrics $24\frac{3}{4}$ bales to the hand (there is no fiction about this,) and it would seem that our conclusions must be irresistible. In my next chapter I shall consider the subject, of the manufacturing of Cotton Bagging, as a part of the system of Domestic Industry in South-Carolina.

CHAPTER VIII.

I will now make a few remarks on the manufacture of *bagging*, which seems to be the first article that strikes the mind of a Southern man, when he turns his attention to the subject of manufacturing. All seem to think that it would be a very lucrative business, and one that should engage the attention of Southern men. The question is every day asked, why are not our Southern factories making this article? In it there can be no mistake. The cheapness of the raw material is a complete

Not one-fourth of the large capital represented in the table, is invested in machinery. A large portion has been expended in the purchase of water power, and in erecting expensive edifices for their machinery, and houses for their overseers and operatives. I am certainly not much wide of the mark, in stating that the houses belonging to one of these companies, and used by their agents and operatives, are quite as elegant—fully as costly, and afford as much room as all the buildings on both sides of King-street, between Market and Hasel-streets; and it must be remarked that, much to their credit, they have made large contributions to the building of churches and the endowment of other public institutions.

* See Table A in the Appendix.

protection against foreign competition, and this, together with our cheap labor, will be a fortress of defence to us, while we continue to make the coarse fabrics that require no finish, and but little skill in their manufacture; especially, if we follow the rule already laid down, of sticking to one thing at a time. He who manufactures an axe handle, even if he employ fifty men in the operation, (should the world afford him a market large enough,) will, by sticking to this one thing, attain such perfection in the shape, and speed in the manufacture, as to obtain a remunerating price in every country where the commodity is used. We must manufacture such articles as require a large quantity of good, sound, raw material, about which there can be no deception practised.

We need not expect, in the outset of Manufacturing, to compete with the Northern people in shapes and colors. We frequently hear complaints from Southern manufacturers engaged in making woollens, that they cannot sell their honestly made Linseys in competition with the trash that is brought out here and sold under the name of Kerseys and Linseys; the warp of which is composed of the most inferior cotton thread, and the filling of greasy cotton waste, being from its short staple and dirt, wholly unfit for any thing else. This is dyed and mixed with refuse wool, such as cloth shearings, &c., and there is but little doubt, that in many instances, the wool does not constitute 1-20 of the fabric. As an evidence of our *gullibility*, many persons among us are simple enough to do their negroes the injustice of clothing them in this trash, while it would be far cheaper for the owner and better for the slave, to have a good, sound article, made entirely of cotton. The frauds which are continually practised upon us, should teach us a lesson, warning us to encourage a system, which shall render us independent of foreigners, for such articles. If we have not the men now among us, who can work mixtures, shapes and colors, they will soon make their appearance when we shall have got fairly started in the Manufacture of Cotton; and when manufacturing capital becomes popular for investments in South-Carolina, this class of men will be found emigrating to our State.

Heretofore, Cotton has been so costly a staple, that its price forbade the idea of its taking the place of Hemp, in the manufacture of Bagging; consequently, there never yet has been any machinery made, with the express intention of manufacturing it; recently, however, it has become a subject of great interest, and has elicited much attention in Lowell and the other manufacturing towns at the North. Our Northern friends would, probably, engage in the manufacture of this article, but for the fact that the Southern States have turned their attention to the making of coarse cotton fabrics, and they, being fully aware of our advan-

tages, well know that the first attempt on our part would supplant them in this article, as we have done in that of Osnaburgs. For, be it remembered, that deficient as our Southern factories are, in the essentials for successful competition, they have notwithstanding, long since driven out of this market the article of Northern Osnaburgs. I think I may venture the assertion, that there has not been a bale of such goods imported into Charleston, from the North, for the last two years; and were it not that we are so deficient in enterprise, it would be just as absurd for the people of the North to undertake this species of manufacture, as it would be to import Hemp, to compete with Kentucky and other places in the manufacture of Bagging.*

The facility with which Cotton can be worked by machinery, makes it much easier to handle than Hemp, and it will certainly cost much less to manufacture it. It has already been shown that cotton cloth, weighing half a pound to the yard, is manufactured for 2¼ cts. per lb., and there is no doubt in the mind of the writer, that Bagging weighing from 1½ to 2 lbs. per yard, could be made with half the labor and expense, that is, for 1 cent per lb.; and that upwards of 44 bales to the hand, might be converted into Bagging, per annum. The machinery requisite for this species of manufacture is of the simplest kind, and certainly susceptible of being worked by negroes. The manufacture of Kentucky Bagging is performed by negro hand labor, no machinery having ever been successfully applied to it. The carding machine now in use in Cotton Factories, would answer for the first part of the process of making Cotton Bagging. The looms, which should be wider, would not differ much, in other respects, from the or-

* Since the above was written, a gentleman informed me that I had committed an error in stating that "not a bale of Northern Osnaburgs had been imported into this market for the past two years," as he had purchased, only the day before, a bale of yard wide, from one of the largest and most respectable commission houses in this city, engaged in the sale of Domestic goods. I made immediate application to this house for information, in order that the error, if one had been committed, might be corrected. It seems that the last shipment, (till recently,) made to them, was received about the 1st January, 1843. These goods dragged very heavily until December of the same year, when it was deemed expedient to clear them out; this was accordingly done, by a sale to a New-Orleans house. For several months afterwards they received no additional consignments, and gave it as their opinion, that no more of this kind of goods would be sent to this market from the North. Early last summer, these gentlemen, (contrary to expectation,) received a consignment of 5 bales of *yard-wide*, and 10 bales of *seven-eighths* Northern Osnaburgs, and recently 20 bales more. They have not sold a yard of the *seven-eighths*, and only a portion of the first five bales of yard-wide, the last consignment being all on hand. Yard-wide osnaburgs are very scarce here, being seldom made by the Southern Factories. I was not aware of the fact, that these goods were in the market; it does not, however, in the slightest degree disprove what I wished to establish, but on the contrary strengthens my assertion, "that the Southern Factories have driven the Northern article from this market." Within the past year, some hundreds of bales of Southern Osnaburgs have been shipped from Charleston to New-York and there sold.

dinary osnaburgs looms, and should turn out, if well managed, from 100 to 125 yards each, per day.

Having no knowledge of the cost of producing Hemp Bagging in other countries, I shall confine my remarks to our immediate competitor, Kentucky. Hemp is an article that has fluctuated in price almost as much as Cotton—the range being from $3 to $11 per cwt. It kept pretty steadily, however, for many years previous to 1840, at an average of $5, since then at $4. The manufacture of it into Bagging is, as before stated, performed by hand, and although great improvements have been made in the mode of handling it, yet it is still a tedious operation, requiring on an average, 5 hands to each loom—three men and two boys. The hackling, &c., being heavy work, requires able-bodied, active men. In well managed factories the hands are so tasked as to produce, in the summer season 400 yards per week to the loom, and in the winter season 300 yards. I am now speaking of the best managed establishments at this time. It is not long since, when 12½ cents was considered the worth of manufacturing a yard of Hemp Bagging, it is now reduced to 5 cents.

I will now proceed to compare the cost of Cotton with Hemp, and give the arguments for and against the manufacture of Cotton Bagging. It is believed that it will be necessary to make the Cotton article weigh 2 lbs. to the yard; but to make the comparison more easily understood, we will suppose them both to weigh 1¾ lbs. to the yard. It must be remembered that Cotton is purchased by the nett 100 lbs., while Hemp is bought by the gross 112 lbs., the 12 lbs. being sufficient to cover the waste in manufacturing; so that for each pound and three quarters of raw Hemp we have one yard of Bagging, which, after adding 5 cts. for the labor of manufacture, costs 12 cts. Now for the Cotton article; and bear in mind, that the cheaper the raw material the more waste there is, and that coarse goods cause more waste than fine ones. Let us suppose the cotton to cost 4¼ cts., to which add the loss in manufacture, (say 15 per cent.) and we shall have for the cost of the raw material, in a yard of Bagging, weighing 1¾ lbs., 8 cents 5 50—100 mills, or $8 55 for each hundred yards; add to this, 2 cents—the cost of manufacturing, and we have a yard of Bagging, costing 10 cents $5\frac{50}{100}$ mills to the manufacturer. Admitting Hemp and Cotton to be of equal value, and allowing the Kentucky manufacturer to realize 2 cents per yard as his profit, it will be perceived that the Hemp article comes into the hands of the wholesale merchant at 14 cents; thus giving to the manufacturer of the Cotton article a profit of 3 45-100 cents per yard. This would answer very well if things remained just as they now are, but we must take into consideration the adverse changes that may take place. We must also bear in mind that the Cotton worked into Bagging, must undergo the same preparation that

it does for other kinds of cloth, and that only one step beyond spinning it into Bagging Yarn, we have it into thread—a merchantable article in all parts of the world—fit for making any kind of cloth—and which has never sold in this country for less than 13½ cents per lb., then considerably below the prices quoted in Manchester. If we double the amount and cost of labor, we put the raw material into a fabric that is consumed by the whole human family, the demand being of such extent as to have no limit. While we feel perfectly secure from competition, in the cheapness of the raw material, in manufacturing Cotton Bagging, let us not be unmindful of other circumstances, which, although they cannot be brought to bear against other branches of Cotton Manufacturing, may prove ruinous in this.

The first is, that an advance of 2 cents per lb. in Cotton, without a proportionate rise in Bagging, would take from the manufacturer his whole profit. The second is quite as formidable. I mean the competition of Kentucky, where the improvements in cultivation would enable them to raise Hemp at 3 cents per lb.,* which would pay as well as Cotton at 6 cents. Moreover, it is the opinion of those engaged in the manufacture of Hemp Bagging, that before they would give up the business, the cost of manufacture would be reduced to 3 cents per yard, so that the Bagging may be furnished to the manufacturer at 8¼ cents per yard. Nor is this all. When we consider the limited quantity of Bagging required for the supply of the United States, we may justly have apprehensions of danger from competition among ourselves. Taking the crop of this country at 2,500,000 bales, and allowing 5 yards of cloth for each bale, it would require but 12,500,000 yards per annum, to supply the whole United States, and this number of yards does not equal the production of several of the manufacturing companies in Massachusetts. There are two establishments in Lowell that turn out, each, upwards of 13,000,000 yards of cloth per annum. The establishment alluded to in a former chapter, having four mills in one enclosure, judging from the product from January to July and taking Cotton at its value here, would yield a gross profit of $624,184, on an expenditure for raw material and labor, of $391,374, while the gross profit on all the Bagging used in the United States, at 3 45-100 cents per yard, is only $431,250, involving an expenditure of $887,500 in labor and the purchase of raw material.

* Since the above was published, it has been ascertained that $3 per hundred is now the ruling price for Hemp in Kentucky.

CHAPTER IX.

I will now undertake to discuss the merits, of another branch of Cotton Manufacturing, that of *spinning Yarn* for exportation. But before entering on this subject, I will notice too very common errors entertained among us, which will prove fatal if not removed. The first is, that Cotton Manufacturing is so complicated in its details and requires such nice management to keep it in order, the delicate and complicated machinery, that none need expect to succeed in it, who have not served a regular apprenticeship at the business. The other is, that the improvements constantly making in machinery, render it necessary to lay aside old, and purchase new, in order to keep up with the age.

With regard to the first, (the idea of there being great difficulty in the management of a Manufacturing Establishment,) I will merely say, that it arises, from drawing a comparison between it, and the mechanical trades, all of which require skilful workmen to manage them, with advantage; but the operations of a Cotton Factory, differ almost as widely from those of a carpenter's shop, or any other mechanical trade, as from a cotton plantation. We might, with the same propriety, distrust our capacity to operate *Steam Engines* ; they are very complicated machines, yet when fed with fuel and water, we find them doing their duty, and without much mechanical labor. So with the *Power Printing Press* and a thousand other machines that might be named. The Printing Press is also a complicated machine, yet, we find it operating well, without the aid of the machinist who made it. The same remarks apply equally to a Cotton Factory. The overseer of the *Carding department*, should be skilled in his branch of the business, and understand thoroughly how to keep the machinery of a carding room in order. So with the overseers of the *Spinning* and *Weaving departments.* Each, if he understand his business, will be able to keep the machinery of his department in working order, it being necessary to have a regular machinist, only to do large repairs, such as would cause the overseer to absent himself from the immediate supervision of his department. The common operatives have nothing to do with the keeping of the machinery in order, but simply with the handling of the Cotton, as it passes through the mill; and the secret of suceess in a Cotton Factory, is just that which is necessary, for the success of any other enterprise. If *Planting* require the skilful direction of labor, so is it with a Cotton Factory. If in *Mechandizing*, economy in all departments of the business, and an observant eye as to the results, be requisite to success, so will it be with the Manufacturer. He who engages in Manufacturing, must not expect to lead a life of idleness, it is not

without its cares, and is subjected to the mishaps, and ups and downs, that attend any other department of business, in life. The labors are, however, entirely mental, and just such, as are required to give healthful and pleasant employment, to a retired Merchant. The man who has devoted the greater part of his life to mercantile pursuits, is generally, from his habits, unfitted for literary pleasures; still his habits are so active, as to forbid his living in idleness. The supervision of a well regulated manufacturing establishment, is above all other employments, the best adapted to such a man. While it serves to keep him from rusting, and from dying with *ennui*, it prevents his capital from being locked up in stocks. He continues the manager of the fortune he has accumulated by his industry and good management, and becomes a valuable producer to his country; when he would otherwise be induced to follow the popular error, of placing his money under the control of corporate institutions, managed by men, who frequently have no pecuniary interest in them, and who being, often, bad managers of their own affairs, volunteer in the service of lending other people's money.

We will now proceed to notice the second error alluded to above, viz: that the improvements in machinery are so frequent, as to require old, to be constantly replaced with new machinery. There never was a greater mistake than this, and in proof of it, I will only refer you to the Boston Manufactories. The same machinery that was put in operation from 1822 to 1828, is still at work, and competing successfully with that made recently. Nearly all the useful improvements have been such, as could be applied to the old machinery, and the application is usually made by the regular machinist employed about the establishment. The parts which wear rapidly are not material, and are easily replaced; such as *Card Clothing*, and a few of the *Journals* having a very rapid motion. The *Live Spindle* wears out in from ten to twenty years. A machine with 130 spindles, which cost $700, may be repaired, and refitted with new spindles for about $125, when it will be about as good as a new one.

We will now take up the subject announced at the opening of the chapter. *The Spinning of Cotton Yarn* is, beyond doubt, a business that might be undertaken by us, with a prospect of eminent success. All the complication in Manufacturing takes place after the yarn is spun. The preparation for, and weaving into merchantable cloth, involves more than half of the labor and expense of Manufacturing, and by far the most skill and attention. A given number of hands will turn off double the quantity of yarn that could be turned into cloth by the same. But two overseers are required, a Carder and a Spinner. And there is no good reason, why the name of some of our large Planters should not be seen on bales of yarn, making their way

to Europe, to supply the markets that are now monopolized by the English spinners. England has for many years, been sending millions of dollars worth of this article, to the Continent. Since 1832 she has exported to that part of the world, from sixteen to twenty-five millions of dollars worth, per annum. And what is to prevent us, in Carolina, from setting up a claim to a portion of this trade? Are we afraid of Northern competition in this, the simplest of all kinds of Manufacture? The South has never failed to supplant the North in this branch of Manufactures, whenever the attempt has been made. Previous to 1833, there were many Cotton Factories about Philadelphia and throughout the North, engaged in making Cotton Yarn, to supply the hand and power-loom weavers; but since the erection of Mills at Petersburg, Va., Fayetville, N. C., and in South-Carolina and Georgia, the result has been, to drive most of these Northern spinners to weaving. The Commission Merchants of Philadelphia and New-York, engaged in the Yarn trade, will tell you, that the South has taken complete possession of the market. The home trade in this article, may now be said to be ours. Are we afraid of coming in competition with English labor? Notwithstanding what has been said about *direct trade*, and getting goods cheaper from England. it is the dearest labor in the world. The Continental powers of Europe have learned this fact, and are making every possible effort to perform the operation of Cotton Spinning for themselves, which they would not think of doing, if they could be supplied from a country, that could afford it as cheaply as ours.

The average pay of Factory operatives in England is, according to Dr. Ure's Statistics of Cottton Manufactures in Great Britain, $2 50 per week. McCulloch puts it at £22 10s. per annum. It cannot be reduced below this sum, as this is barely sufficient, with the great majority of them, to maintain existence. Manufacturing establishments are taxed so highly by the British government, that it amounts to upwards of *fifty per cent.* on the price of the manufacturing labor, of the Northern States, and more than *one hundred per cent.*, on the value of labor in our own State. Many establishments pay directly and indirectly, to the British government, 20, 40, 60 and even $80,000 per annum, in the shape of taxes. Let us not deceive ourselves with the idea that goods must be cheap, because they are made in a country, in which labor is so cheap, as barely to sustain life; but let us bear in mind, that every thing which enters into the support of an English operative, is so highly taxed, that the sum which is required, to afford him a scanty subsistence, is double that which would make him comfortable in Carolina. Let us remember, that the article which is produced by the English *six penny* labor is taxed a *shilling*, for the support of an extravagant gov-

ernment. To illustrate this point, I will quote the language of Mr. Kirkham Finlay, an English gentleman, of great authority, in these matters, who, in his Report on Commerce, Manufactures, &c., says:—"I think the difference would be this, that, if the amount of wages paid in Great Britain, was absolutely necessary for the comfortable subsistence of the workmen, it would be quite clear that, whatever pressure there might be, those wages could be permanently reduced; but, *if the money wages paid in America, are sufficient to get a great deal more than the absolute necessaries and comforts of life, then, if there is a pressure upon its manufacturers, they can so reduce the wages as to meet that difficulty, and by that means undersell the manufacturers here.*" The enormous taxes levied on all branches of business, but more particularly on cotton spinning, are, the duty on the raw material—on flour for sizing—on oil—on the glass which admits the light—on postage, checks, receipts, promissory notes and advertisements—on the money which is borrowed, or paid—on the transfer of any property purchased, or sold—and on the policies of insurance. This last item of tax, on the Cotton Manufactures of England, amounts alone, to about $360,000 per annum.*

As we begin to have some practical experience in Manufacturing at the South, we can now see what an absurdity it would be for us to pack up our cotton and send it to England, to be returned as osnaburgs, taxed from 60 to $80 per bale, as was the case formerly; when the same can be converted into cloth, in the immediate neighborhood of the place, in which it grew, for one fourth of the sum. It is equally as absurd in us, to send our Raw Cotton to Europe, to be spun into Yarn—adding $40 to $50 to the value of a bale, which yields the planter of the interior, after paying the expense of transportation, from $12 to $15 only; thus paying in a double transportation, government taxes and foreign labor, four times the amount that it would cost to do the

* "The heavy cloths, in which the competition of America has been principally felt, are woven with coarse yarns from Nos. 10 to 20. It appears from the schedule of the prices of spinning in the factories of the United States, compared with the prices paid for the same work in Glasgow, annexed to Mr. Kirkham Finlay's letter, to Lord Ashley, in 1833, that the prices of spinning these numbers of yarn were, for a given quantity 4s. in the United States, and 4s. 11d. in Glasgow, being 22 per cent. in favor of America. The prices of carding the same numbers were, in the United States, 6s 7½d. per week, and in Glasgow, 7s. 1½d, per week, being 7 per cent. in favor of America.

"In the operation of dressing the warp of heavy goods, the American has an advantage of 50 per cent. in price, and in weaving, of 25 per cent, being upon the two taken together, an advantage of 36 per cent. The total charges of dressing and weaving, are:

In England, per piece, - - - - - 1s. 2½d.
In America, " " - - - - - 1g½d

or 36 per ct. of the charges per piece in favor of the United States."—*Dr. Ures' Treatise on the Cotton Manufactures of Great Britain.*

same thing, by the labor of our own negroes. When these facts are presented to our view, can we have the face to complain, that capital employed in directing the labor of our State, will not pay more than 3 per cent. Where shall we find as cheap labor as that which we have at our command? I may safely assert, it is the cheapest in the world. Which of the two is the cheaper, free or slave labor, is a question not yet decided by manufacturers at the South. All concur that there is no difference as to capability; the only qestion is, whether hired white labor is not cheaper than slave labor? There is no difficulty with a Carolinian, in deciding what slave labor is worth; and as a proof of the difference between white labor here and at the North, we refer you to the pay list of a Factory in Lowell, and one in South-Carolina, with this explanation—that the hands in the Lowell mill are more efficient than those in the South-Carolina Factory, no operatives being employed in the former under 15 years of age.* The weavers and overseers are omitted in both lists. The former being paid by the job, earn about as much here, as in Lowell; and each family have one, or two, of this class, who earn from $3, to $3½, per week, making together a sum, that affords them such living, as they have not previously been accustomed to. The overseers in both Factories receive similar wages. All the hands in the Carolina Factory, receiving 16 cents and upwards per day, are efficient ones; and the girls receiving 20 and 26 cents per day, would do themselves credit, alongside of the Lowell spinners.

CHAPTER X.

There is no difficulty in obtaining labor at the prices set forth in the pay list referred to in the Appendix, but it is not desirable that such a state of things should continue. Let manufactures be once introduced among us, and the condition of this class of persons, will soon become more elevated, when they will require higher wages. The cheapness of living, mildness of climate, and other circumstances so much in our favor, render 75 cents here, more than equal to $1 in New-England. In the interior of this State, we can put up a comfortable frame and weather-boarded house, spacious enough to accommodate a large family, for $140. Fire wood is furnished at $1 per cord, and other necessaries may be had at proportionate rates. Compare this state of things with

* See Table E. in the Appendix.

that of any other country. Look at the wages of England, and consider that her operatives are but scantily fed, and are without fuel sufficient to keep them comfortable in cold weather; while ours, with their low wages, have all the actual necessaries that render a human being comfortable. Consider the fact, that in addition to the innumerable and oppressive taxes levied on the English spinner, he is subjected to a tax on the raw material of 5-16 of a penny, half the amount required here, to convert it into Yarn. In connexion with these facts is it necessary to remind you that we have a large class of miserable poor white people among us, without any employment to render them producers to the State; who, if too lazy to work themselves, might be induced to place their children in a situation, in which they would be educated and reared in industrious habits. When we consider the deplorable fact, that there are 20,600 white people in this State, over the age of 20 years, who can neither read nor write, and that no measures are taken by us to elevate their condition, we must come to the conclusion, that there is something radically wrong in South-Carolina. If we have proved that there is a field for the profitable investment of capital, in the employment of these people, then it cannot be denied that there is a vast opening for philanthropic operations, on the part of those who possess the wealth of our State; indeed, this is a field for the exercise of the labors of every Christian in the land. Let us see that we "remove the beam from our own eye" before we attempt to extract the mote from our neighbor's. Let those that are commendably and zealously engaged in the Missionary cause look to it, that they are not sending aid to countries, in a much better condition, in this respect, than our own. If we have 20,600 over the age of 20 years, out of 112,000, we of course may add 8,800 out of the 47,855 between the ages of 12 and 20, making in all, 29,400 persons in South-Carolina, over the age of 12 years, *who cannot read the Bible*,—a number equal to the entire population of Charleston. These are facts that ought to awaken the sympathies of every educated son and daughter of our State. They are worthy the serious consideration of our politicians, who flatter themselves that our State is the paragon of perfection—a bright star, shedding light on the whole Union—whose politicians are capable of giving lessons in Political Economy, to the whole world. It would be well for this distinguished class of persons, to give this subject a thorough investigation, and see whether so large a portion of our people, could not be so employed, as to alleviate some of the burthens complained of, in South-Carolina.

Nearly the whole of this class of persons, and, we may safely add, as many more, as will make the number, fifty thousand, over the age of 12 years, are non-producers to our State, purely because they are neglected by those, possessing the capital of our

country. Labor is capital, and, when directed with energy and judiciously diversified, it fixes population and creates a kind of wealth which the spirit of emigration cannot remove—which is not transferable—and which leaves an indelible impress that time alone can efface. Allow that two-thirds of this fifty thousand, among which we include the aged and decrepit, be required to raise provisions, make clothing, cook, wash, &c., for the balance, and we shall have left, 16,666 persons, whose labor, if as well directed as that in the Massachusetts Mills, at Lowell, would turn into cloth a quantity of raw material equal to 5152 lbs. to the hand, per annum, and a gross amount of 248,878 bales of 345 lbs. each, fully as much as is supposed to constitute the entire crop of South-Carolina; and if we content ourselves with making no finer cloths than are woven from No. 14 yarn, we will add an average value to our staple, of at least 15 cents per lb., or $12,879,485 80. But we will be satisfied to estimate the capacity of our operatives, as being only half that of the Lowell operatives; and in that case, ours would only be able to spin this quantity of Cotton into Yarn, thus adding to the value of each pound of Cotton, according to the present rates of prices in this State, Philadelphia and New-York, 10 cents, or $8,586 323 20.* If the poor white people of our State, are not enough of themselves to make up a sufficient number, to turn our Cotton crop into cloth, it certainly would not make such draughts upon the agricultural population as to be felt, especially as women and children, principally, would be required.

Although we may not expect so great a change in our industrial pursuits for many years, yet, it cannot be denied, that every step towards its consummation, will improve our condition. Independent of the fact that we should be supplying ourselves with all the coarser cotton fabrics, we should be enhancing the value of our Cotton crop, three and four-fold; and this is not the most important aspect of the subject; this change could not operate

* In the town of Lowell, there are about 6,500 persons employed in spinning and weaving Cotton cloth, one factory making Osnaburgs of 4⅛ Yarn, the balance running on Drillings, Sheetings, Shirtings, and Printing cloths, from Yarn of 14 to 40. They consumed in the year 1843, 22,880,000 lbs. of Cotton, or 66,316 bales of 345 lbs. each. The Massachusetts Mills, four in number, employed 885 hands, and turned out 13,520,000 yards, or 4,560,000 lbs. of cloth, about 15 bales to the hand;* these Mills contain 27,008 spindles. At the same ratio of production, it would require 508,554 spindles, to turn the crop of South-Carolina into Yarn; this machinery, for spinning only, would cost about $7½ per spindle, or $3,814,155 The looms and apparatus for weaving the same, would cost about $3 50 per spindle, or $1,779,939; making the entire cost of machinery necessary to spin and weave 248,878 bales of Cotton, $5,594,084. All other expenses, such as buildings, &c. would be the product of our domestic materials and labor; indeed much of the former, would also be the product of our labor. Each mill of 5000 spindles, would require about 80,000 lbs. of castings, shafting, &c., all of which, might be made in our own State, and of our own materials.

* See Lowell Statistics in the Appendix.

otherwise than to produce a highly improved state of agriculture; to bring around us all other branches of mechanism—to develope among us, numberless sources of wealth—and to cut off the immense drains that are now impoverishing us. An advance in the price of our great staple, situated as we are, only serves to widen the avenues, through which our wealth leaves us; indeed, it may truly be said, that the richer we grow, the poorer we are; as an increase of income, only begets a correspondent extravagance in expenditure.

What would be the result of Cotton's rising to, and remaining for five years, at 15 cents per lb., and then returning to present prices? Any one, at all conversant with our past history, would say that we should find ourselves in a far worse condition than at present, with our soil still further exhausted, with no permanent improvements, and all involved in debt. Indeed, such a period of prosperity would only be brought to mind, by the remembrance of the follies we had indulged in, and the debts we had contracted, in anticipation of a continuance of high prices.

The idea of our traversing the world, to employ the steam-power and poor people of other countries, to do that which could be so easily effected by our abundant, and now worthless water-power, and poor people, is superlatively ridiculous, and if followed out, cannot end in any thing, but poverty and dependance.

"Agriculture, to flourish, must have a market for its surplus productions. And what is a market? Does that magic word reside in any place? Most people seem to think so. A market is everywhere. It is people, not a place—people not engaged in agriculture, but employed in the production of something which supplies a human want. And the nearer it is found to the farmer's door the better, the less of his productions are spent in getting them to market. Agriculture can flourish then, only where there is a large population engaged in manufactures and commerce.

"Hence the second source of national wealth is manufacturing industry. No nation ever became wealthy by raising the raw material, and then exchanging it for the manufactured article. The manufacturing people always have the advantage. They may work day and night, summer and winter, in fair and stormy weather. An agricultural population work only in the day-time, when the earth is free from frosts, and when the clouds are not disburdening themselves upon the earth. A manufacturing population can avail themselves to any extent, of the aid of machinery. The fall of water in the town of Lowell, is made to do the work of a million of human beings. Everything the farmer raises must be brought out of the earth by main force, by hand work. The farmer's productions are bulky, and are often almost consumed in getting them to market. The manufactured article is usually comparatively light in proportion to its value. The farmer, moreover, is obliged to take the chances of unpropitious seasons, and occasionally a short crop. But no variation of the seasons has ever been known to produce a short crop of boots and shoes, and no drought has ever been so great as to blight the labors of the loom. With these advantages, a manufacturing people will always contrive to keep an agricultural people in debt. Towns and cities will spring up among them, and the very fact of a condensed population gives them great advantages. An exclusively ag-

ricultural people, in the present age of the world, will always be poor. They want a home market. They want cities and towns, they want diversity of employment. They want that enterprise and activity, which is engendered merely by bringing masses of people to act upon each other by mutual stimulation and excitement. Why is the balance of trade continually in favor of the North? Because our labor is not sufficiently diversified, because the raw material goes from this very city to the North to be manufactured, and then comes back to be worn by our own citizens, while we have among us thousands and thousands who might work it up, but who are lying here idle, and many of them supported by public charity!—*Southern Quarterly Review.* Vol. III. p. 362.

Suppose the Protective System to be wholly abandoned by the country, how will the change affect our condition as a State? Will it bring back the rich treasures that have left us? Will it bring back the enterprising citizens that have removed from our State to settle in others? Will it be the means of resuscitating our worn-out soil? Shall not the sound still continue to be rung in our ears, of ten bales to the hand in Mississippi, and three in Carolina? So long as we make the culture of cotton our chief employment, will not the same causes continue to exist, that are now depopulating our State? Yes, they will, and until we make a radical change in our pursuits, our wealthy and enterprising citizens will continue to leave us. Let us then set about producing this change. Let us endeavor to bring about such a state of things as shall invite the industry, if not capital, of other countries, to our State. Let us try to cultivate a good feeling among our people, for our Northern brethren. We have no lack of trading men from among this class of persons. Let us offer inducements that shall bring their working-men to our delightful climate; they will soon replace the capital that has left our State. They will teach our children lessons of industry and economy. They will furnish materials for the academic schools, recommended by our Governor. They will teach us the value of thousands of acres of swamp land, in South-Carolina, yet covered with their primeval forest trees. They will teach us lessons in agriculture that shall prove to us, that the money expended for an agricultural survey, has not been spent in vain; *and above all, they will give some of our wise men, practical lessons in Political Economy.* Such a change would revive the trade of our city and bring about a new and flourishing state of things in South-Carolina.

CHAPTER XI.

I trust that enough has been said on the subject of Cotton Manufactures to prove the practicability of engaging in them in South-Carolina, in competition with any other country. To the thinking part of the community, it is hoped, arguments are not now necessary, to show the necessity of *changing our industrial pursuits*, in order to close up the flood gates—that are draining our State, of its enterprising planters and negro population, to people the West—and sweeping off millions of mercantile capital, to build manufacturing towns at the North. Yes, to build up *towns;* for Charleston has done her part in this work. It is said, and we believe with truth, that the town of Bridgeport, in Connecticut, one of the most thriving manufacturing towns in that State, has been built by the capital of Charleston. The majority of its largest Manufacturing Establishments, have been put in operation by capital accumulated in this city, and we are daily adding to its wealth and population, by the purchase of thousands of dollars worth of Carriages, Harness, Saddlery, and other articles. Indeed we may truly say, that the Manufacturers of Charleston, have their work-shops in Bridgeport, whose streets are paved with the money that should be spent in this city, and in which, the palace of the manufacturer will be erected, when he retires from business.

Before bringing my subject to a close, I will make a few remarks on the policy to be pursued, by those who may engage in Manufactures—on the use of Steam Power—and on the cost of the machinery necessary for manufacturing cotton. To such as are disposed to engage in this branch of business, the caution cannot be too often repeated, to guard against two errors, which, so far as I am informed, have been the only obstacle to a realization of profit, from such investments, at the South. So well convinced am I of this fact, that whenever I hear of a failure to produce profit, in any enterprise of this sort, I can, without enquiry, safely predict, that it has resulted from one of these causes.

The first is *complication*—undertaking to do too much. Persons commencing this business at the South, either forget are not aware of the fact, that Manufacturers are essentially wholesale dealers. They generally set out with the notion, that to run a mill of 2000 spindles, on one thing, would soon over-stock the market; and by undertaking to fit out Factories in such a manner as to avoid this, they commit a fatal error. I often bring to mind a conversation which I once had with a very intelligent old gentleman, who owned an interest in a small Factory of 1200 spindles. I will relate a part of it, in order to exemplify the notions, that prevail among us on this subject. In speaking of

the advantage which South-Carolina possessed, in *water power*, he remarked, "that near his Factory there was one of the finest mill seats in the State, but if a Cotton Mill should be erected on it, it would ruin the one in which he had an interest." This gentleman did not seem to be aware, of the fact, that a mill erected in Massachusetts, was as much a competitor with his, as if it were alongside of it, and that any disadvantage from competition, was more than counterbalanced by the advantage gained from communion. The owners of this little mill, at the time spoken of, were endeavoring to force their goods off in the village, in which it was located; this market was of course over-stocked, to the great embarrassment of this *Manufacturing Company*. After many hard struggles to avoid such an alternative, they were at length induced to send a few bales of their goods to the Charleston market, and are now regularly shipping them to New-York—a market not likely to be depressed by all the cloth, that South-Carolina may send to it, for many years to come.

Those who embark in this business should look entirely to a wholesale market. The idea of having an agent in every country village is ridiculous. Aside from the embarrassment and perplexity, of having their goods scattered over the whole country, the changes necessary for making different kinds of goods, are wholly at war with any system which may be adopted, with regard to quantity. The stoppages necessary for changing machinery, will destroy all system among the operatives, and render it impossible, with the very best management, to turn off any thing like the quantity which might be produced, by working at one thing only; and the loss in such cases would not be compensated by the difference, between wholesale and retail prices. The sale of the Manufacturer's goods, belongs rightfully to the Commission Merchant. He has no business peddling off his yarn and cloth at retail—let him leave that to small manufacturers, or any person who desires to engage in such petty business. His goods should be forwarded, precisely as a planter's cotton is, to a mercantile agent, to make the best disposition of them that a shipping market will afford,—they should be sold as they are made.

In making a selection, of the kind of goods, to be manufactured, care should be taken not to fix on an article, with which the market is easily over-stocked. The article, osnaburgs, is one of limited demand. South-Carolina and Georgia are now oversupplied from our Factories, which send a large surplus to New-York and New-Orleans. Two large establishments added to those which we now possess, would monopolize the trade—make a supply sufficient for the whole country—and force the Northern manufacturer to abandon the article. There are other articles equally as profitable, which we can make as well—such as *Cloths*,

made from No. 12 to 16 yarn—*Drills* and *Muslins*, weighing from 3 to 5 yards to the lb.—*Sheeting*, from 36 inches to 1½ yards wide—*Shirtings*, from 26 to 36 inches wide. These articles consume a large portion of all the Cotton, produced by the world; and if the little Factory alluded to above, as well as all the Factories in South-Carolina, (whose machinery is well adapted to such goods and not to osnaburgs), were running on Shirtings, Sheetings, or Drills, and had this village, or any other town, even the city of Charleston, machinery enough to turn out 100,000 yards per day, it would scarcely be felt in the market of the world.

When South-Carolina once sets about Manufacturing, the wholesale Merchants of Charleston will soon learn the way of doing business, after the manner of those in Baltimore, Philadelphia and New-York, in purchasing large quantities of these *Brown Goods*, to be converted into *Colored Muslins*, *Bleached Cloths*, or *Calico Prints*—this branch of business being now carried on very extensively, and as a distinct one from the other branches of Manufacturing. For instance, a merchant of New-York will purchase 100 bales of the *sleaziest* goods in the market, and send them to Providence, where they are dyed of various colors, assorted as to finish, and stamped with any particular mark, he may chose to designate. Cambrics ¾ wide, are colored and finished for 1¼ cents per yard—4-4 wide for 2 cents, and Silesias for about the same price. The same merchant sends a quantity of Brown Shirtings, or Sheetings, and has them bleached and finished in various styles, making from the same bale of cloth, three or four kinds of goods. Bleaching long cloth, calender finish, costs 2½ cents per lb.—beetle finish, 4 cents per lb.—gold bands 4½ cents each—cambric finish, 4 mills per yard, extra. He may send another lot of either, or both of these kinds of goods, to be printed (designating the patterns,) when they are put into colors and shapes, stamped to suit him, boxed up, and sent back. We mention these facts to show the endless variety of uses, to which these goods are put, with which the original maker has nothing to do; and to show the demand, we may expect for them, when Charleston becomes a market for such goods.

The second error alluded to, is that of making the establishments too small. No one, in South-Carolina, should think of putting up a Factory for making *Cloth*, to contain less than 5,000 spindles, unless he is willing to apprentice himself to the business, and go into the Mill himself to oversee and manage it. Such a class of men, will not easily be found in our State, at the present time. Planters must not think of erecting small Mills to spin their own Cotton; even in Kentucky, where Manufacturing is performed by hand labor, there are few instances, of its being undertaken, by those who raise the hemp. This may,

however, be done with great propriety, by many planters in this State that I could name, who possess the requisite capital for erecting Mills, and negroes for working them; but such ought to confine their operations to *Yarn* for shipment. It must be remembered, that they who have talent enough to rise to the situation of overseers, in Manufacturing establishments, have, in common with all mankind, pride of character. A young man, reared in one of these fine Massachusetts establishments, would consider it almost an insult, to be offered a situation in a 1200, or 2000-spindle factory, in South-Carolina. Such men could not be induced, for ordinary wages, to take charge of any thing short of a *first rate establishment;* and if employed to take charge of such an one, they would come out, expecting to make it produce the same quantity, that the Mills of New-England do. Any gentleman who attempts Manufacturing on a small scale, in this State, will find that he has invested his capital in that, which is not easily disposed of, and that profitable results can only be obtained by the utmost vigilance, should he undertake to conduct his Mill, in person. If he employ overseers, he will find it difficult to obtain such, as are skilful at their business; and if he even get skilful ones, they cannot be relied on. Taking it altogether, it will be found to be a business suited to few persons.

CHAPTER XII.

Steam power being now in general use, information with regard to its economy, in driving machinery, is at the command of most persons, particularly in towns, in which it is most likely to be used. It will, therefore, not be necessary, to say much on this subject. In the city of Charleston, we have an inexhaustible supply of wood for such purposes, and our location is more favorable, as regards the use of Pennsylvania coal, than any of the Eastern cities. In England, it is estimated, that each pound of Cotton consumes half a pound of coal in its manufacture. In a lecture on the comparative cost of water and steam power, delivered before the citizens of Hartford, Conn., by Mr. CHARLES T. JAMES, of Newburyport, and which was recently re-published in the *Charleston Courier*, he states, that to run two mills, in the latter place, one of 6,336, and the other 11,000 spindles, with all the apparatus for weaving, consumes 3¼ tons of anthracite coal per day; for which is paid, delivered at the Factory, $4 42-100 per ton. These are, however, *mule spindles*, which require 20 per cent. less power than such, as we would use. MONTGOMERY

in his "Treatise on Cotton Manufacturing," gives 65 horse power, as the size of an engine, competent to drive 5000 heavy spindles, and all the other machinery to make cloth. There are various ways of calculating horse power, he speaks of the English mode, that is, a power that will raise 33,000 pounds, one foot, in a minute.

It is a difficult matter to give the cost of machinery, as there is such a variety of kinds used, with so many different grades of finish. There is an estimate before me, made for another person, of the cost of machinery, including gearing, shafting and pulleys, complete, for a Factory containing 2 Lap-machines—27 thirty-inch cards—2,268 Spindles, and 24 Osnaburg Looms, for $24,000; and a high pressure engine of 30 horse power, to drive it, for $5000. I will now give a second estimate, furnished from a different establishment, which is as follows: (not including the running gear,) for 20 cards, 4032 Spindles and 130 Looms, with all the apparatus, requisite for running it, boxed up and delivered on ship board, $36,356. The machinery, such as we should require, may be had from $10 to $12 per spindle. The shafting and gearing for a Mill of 5000 spindles, could certainly be put up for $2500 or $3000. It would not be safe, however, to estimate the cost of all the machinery, such as is used in Lowell, for a Mill of 5000 spindles, delivered in Charleston, at less than $60,000.*

I am almost ashamed to say any thing more on the subject of Steam Power in Charleston. Indeed, the restrictions on its use, in this city, are not in keeping with the age in which we live; when the *Press*, which prints this article, a beautiful and complicated machine, which with the aid of steam-power, would perform its work of itself, is driven by the labor of negroes, two of whom may be seen, whenever it is in operation, with coats, jackets and shirts off, sweating and tugging like horses; and all this labor might be performed with very little more fire, than is used in a common parlor grate, and not much more risk. Steam Power is so universally used in all the Northern cities, that you can scarcely find a grindstone that is not turned by it. I had occasion, while in Philadelphia, to look for a child's Velosipede, and was directed to a man who made them, in Dock-street. I found him busily engaged, turning out quantities of them, for our Southern market; his lathes and circular saw were driven by a small engine, which, together with its furnace, did not occupy the space, necessary for a smith's forge, and it certainly did not produce half the smoke. On another occasion, I visited a *Last ma-*

* For the information of such as feel an interest in this subject, and who have no knowledge of the matter, I would refer them to the notes and tables in the Appendix, marked B. C. D. and F.

ker; his shop was in the fourth story of a house near Market, between Fourth and Fifth streets; his lathes were also driven by a steam engine, the furnace for which was an iron stove, with the boiler on the top of it, the smoke pipe entering the chimney. He had more power than he needed, and rented the surplus to a carpenter, in the fourth story of a house, on the opposite side of a narrow street, the power being communicated by a *belt.* At another time, I paid a visit to a *Pencil-maker;* his lathes were likewise turned by steam power, and certainly I do not exaggerate, when I assert that the furnace of his engine could not contain half a bushel of coal. I could go on naming numberless similar instances, for I had the curiosity to notice these things, having long regarded our restrictions, as impolitic and illiberal, and calculated to do our city much harm. It may be said, that by a proper application to our city authorities, the right to use steam-power could be obtained; but this course will not answer. We ought to be as liberal as other cities, in this respect. Slight impediments often turn the course of large streams, and so it may be in this matter. Our City Council ought to adopt the course pursued by Philadelphia and New-York, in relation to steam-power. The latter city has no legislation on the subject, nor ought Charleston to have any. Every man has his redress, in the common law, for actual nuisances.

It cannot be disputed that the Southern States have been unjustly taxed for the support of Manufactures in this country, for it has been against their will. They have refused to embark in this business, while the Northern people have done so, and built up their section of country by the operation; but we must remember that the day of retribution must come, nay, is close at hand, when the South shall be amply compensated, for the many burthens, imposed heretofore, by the protective system. The laws of trade are regulated by supply and demand, and will act in spite of human legislation. All the powers on earth cannot change these laws, and an effort to subvert them, would be as futile, as an attempt to still the ocean. Any one that has travelled through the Northern States, with a view of gaining information on this subject, cannot have come to any other conclusion, than that the United States is soon to stand first, among Manufacturing nations. He who confines his walks to the fine streets of New-York, Philadelphia and Boston, can have but a faint idea of what is going on, in these worlds of trade. To get a knowledge of these things, one must go into the garrets and cellars—into the by-ways and alleys, where he will find thousands of native-born Americans, as well as foreigners, from all parts of the globe, engaged in the various branches of the mechanic arts. In articles composed of steel and iron, there is nothing which the world produces, that is not now being made in this country; from the

needle to the 1000-horse-power engine and ship of war. In brass, copper and lead, every thing that enters into the consumption of man—in silk, wool and cotton, every thing necessary for comfort or elegance—in books, gold, silver, shells, diamonds, pearls and all kinds of precious stones, every thing that can administer to the refinement, luxury, or taste of man, or serve for the decoration and ornament of the fair sex—every article to equip the soldier, or decorate, in gorgeous array, the plumed officer—all articles of furniture and plate required to fit out, in the most elegant style, the table, or drawing-room, or any other part, of the most costly mansion, may now be procured in the work-shops of this country. There is not an article imported, from any part of the world, however delicate in texture, or curious in form and color, that is not immediately imitated; and before it is fairly on the shelves of the importer, it is offered for sale by our own Manufacturers. Such is the state of things, in this country, that scarcely a ship arrives at any of our northern ports, but brings among its emigrants, artisans from Rome, Paris, London and other European cities. These men do not come alone; they bring with them work-shops, tools, apprentices and journeymen; and in every hole and corner of our large Northern cities, they may be seen at work.

Well may the New-York merchants be opposed to a system of *Domestic Industry*, which transfers the work-shops of Europe to our own country, thus depriving them of the profit, derived from the importation of the articles, which this class of men manufacture. Go where you may, in the city, or out of it, and you are seldom, or never, out of the sound of the Steam Engine—travel the country over, where you may, and you will not find a water-fall that is not occupied, or that preparations are not being made, to bring it into use. The arts are no longer confined to any particular spot on the globe. Artisans of all nations, are now at liberty to roam where they please; and just as certain as water will find its level, will they congregate in those countries, that offer the greatest inducements to settle. We have no nobility to support in extravagance, in this country, and it is becoming known, even among the poverty-stricken operatives of Manchester, that there is a land where industry finds its reward, at least in all the comforts of life. Our free institutions, healthful climate, cheap living, absence from taxation, &c., cannot but offer strong inducements, to the European manufacturer, to emigrate to our happy land. The time is not far distant, when these United States shall manufacture greatly more than they can consume, and compete with the whole world, for other markets. Then will the tables be turned, and the day of retribution come; when the Manufacturers of this country, shall be competing with each other, for the home market, and we shall be supplied at pri-

ces, far below what we should have been, without the American Manufacturer. The Southern States could not take a more effectual step, to bring about this state of things, than by commencing the *Manufacture of Coarse Cotton Fabrics*, which, by right, belongs to them, and which they will get, with the first effort made to obtain it. They would, at once, drive the Eastern mills, now engaged in this business, to the manufacture of fine goods. The immense works already in operation, and the millions of capital engaged in manufactures, would still continue to be engaged in them. For a trifling expense, any of those Massachusetts mills may be so altered, as to run on the finest Cotton Fabrics; and the disposition to change, from coarse to fine goods, exists with all manufacturers, so that it will require no great effort to drive the coarse spinners, from their present occupation, to compete with their neighbors, in the making of Fine Fabrics. Finally, when we shall have put a stop to the draughts, which the South-Western States are continually making upon us, and shall have invested our capital, in the business of Manufacturing our raw material into Yarn and Coarse Fabrics, making a mutual exchange, with our Northern brethren, of the coarser for the finer goods, then shall we find the *Tariff* no longer a subject to quarrel about; but we shall dwell in peace and harmony, and all shall rejoice in the blessings, which this system of Domestic Industry will confer on South-Carolina.

POSTSCRIPT.

THE person alluded to in page eleven, is believed to have exaggerated in giving the amount of patronage received from Charleston, in the clothing line. A glance at his order book, (which contained pages of names from this city and its vicinity,) satisfied me that the first named amount, $50,000, could not be far short of the mark; and to say the least of it, the house alluded to receives a large amount of patronage, which might be bestowed on our own tradesmen, without detriment to the interest of the purchaser. It cannot be doubted that the orders sent abroad, together with the foreign-made clothing sold in Charleston, amounts to double the quantity disposed of by those who manufacture here.

APPENDIX.

TABLE A.

Name of the Company.	Time of commencing.	Term of Years.	Capital.	Average dividends.	Allowance for loss in outfit, and for fire insurance, they being their own insurers.
Merrimack,	1825	20	2,000,000	12¼	Less 1 per cent.
Hamilton,	1828	17	1,000,000	10½	" 1 1-10 "
Appleton,	1829	16	600,000	9⅞	" 1 1-8 "
Lowell,	1831	14	600,000	9	" 1 1-5 "
Suffolk,	1833	11½	600,000	14	" 1 2-5 "
Tremont,	1833	11½	600,000	10½	" 1 2-5 "
Lawrence,	1834	11	1,500,000	7	" 1 2-5 "
Boott,	1838	6½	1,200,000	8	" 2 "
Massachusetts,	1841	4	1,200,000	5¼	" 3 "

TABLE B.

ESTIMATE made out for myself, by Messrs. Rogers, Ketchum & Grosvenor, of Paterson, N. J. 5000 Spindles for making Yarn. This is 20 per cent. higher than usual, on account of the great demand.

One Willow,	$ 75
" 30-in. picker,	320
" Lap-machine,	320
35 30-in. carding machines,	7,525
1 grinding frame,	90
6 3-strand drawing frames, at $70 per head,	1,260
6 16-strand speeders, at $330	1,980
5000 improved live throstle spindles, at $5 each,	25,000
12 double reels, at $60,	720
1 yarn press,	40
1 slide rest, for turning card cylinders,	20
Emery rollers for card grinding,	15
1 banding machine,	25
10,000 speeder bobbins, at 3½ c.	350
15,000 throstle " at 3½ c.	525
Turning Lathe,	100
Drilling machine and other tools	350
Amount carried forward,	$38,715

Amount brought forward,	$38,715
Miscellaneous articles which will be necessary to complete the above, such as belt leather, cloth and leather for covering rollers, card cans, etc.	800
	$39,515
Boxing furnished at cost. All the machinery warranted to be built of the best materials, embracing the most modern improvements, and fitted up in superior style, the workmanship not to be surpassed by any other establishment in the country.	
The machinery necessary to prepare the yarn and weave it into cloth, in connexion with the above, would cost about	$15,000
Total cost,	$54,515

TABLE C.

ESTIMATE of the cost of Buildings, Machinery, &c., for a Cotton Factory, extracted from James Montgomery's Work on Cotton Manufacturing.

Brick, or stone-house, four stories and attic, 142 by 42 feet,	$25.000
Water wheel, gearing and belting,	17,000
Furniture, gas and steam pipes, lathes, tools, &c.,	2,000
1 willow,	100
1 scutching machine,	600
40 carding engines, at $210,	8,400
6 drawing heads, 3 heads each, at $200,	1,200
6 double speeders, 18 spindles each, at $660,	3,960
7 extensers, 36 spindles each, at $900,	6,300
Roving and card cans,	542
Top and cylinder grinders, brushes, &c.,	210
4992 throstle spindles, at $4 50,	22,464
10,000 rove bobbins, at 6 cts.,	600
12,000 spinning frame bobbins, at 1 cent,	120
6,000 skewers, at 1½ cents,	90
6,000 spools for warper, at 3 cts.,	180
6 spooling machines, at $70,	420
6 warping do. at $150,	900
9 dressing do. at $400,	3,600
128 looms, at $75,	9,600
Miscellaneous articles,	300
	$103,836

This is evidently Massachusetts, or Rhode-Island machinery, where they use the *geared speeder*. This is a high estimate for the building and water-wheel, for our back country. The Saluda Factory's building, of granite, 4 stories and an attic, 200 by 40 feet, cost only $20,000. The Vaucluse, of hewn granite, 4 stories and an attic, 80 by 40 feet, with wheel-pit and water-wheel, cost only $17,500.

TABLE D.

A LIST OF PRICES in Alfred Jinks' Machine Manufactory, Bridesburg, near Philadelphia.

Small whipper, or willow,	$00 75	Spooling machine, 12 blocks, 24 spools,	$70
Spreader, or lap-machine,	250	Warping mill and hack,	50
30-inch cotton cards, (iron doffers,)	230	Sizing machine,	60
30-inch cotton cards, (wooden doffers,)	220	Beaming "	70
Drawing frame, 4 heads,	240	Light 35 or 40-inch plain loom,	50
" " 3 "	200	Heavy 40-inch, for heavy goods,	55
Railway drawing,	125	" " in twilled looms, with 2, 3, 4 and 6 treadles,	65
Iron railway for 8 cards,	75	Light do. 35-inch,	60
Improved eclipse, 10 spools, double rollers,	250	Check looms,	90
Improved eclipse, 10 spools, single rollers,	200	Throstle spindle and flyer,	1
Throstle spindle, 2¼ bobbin,	4 50	Castings for water-wheels, and heavy gearings, furnished, per pound, at	06
" " 2 "	4	Shafts and couplings, pulleys, hangers, with composition boxes, per pound, at	10
Mule "	2 25	Iron and brass castings, of all kinds, per lb., at	05
Single reel,	25		
Double "	40		
Spooling machine, 24 blocks, 48 spools,	100		

N. B. All the castings, both of iron and brass,—the shafting, pulleys, &c.—may be procured at several places in Charleston. I have had them made by Mr. Thomas Dotterer, of superior manufacture, and as cheap as the prices above stated.

TABLE E.

WAGES paid at Factories in Lowell and South-Carolina, boarding not included.

Lowell Mill.			South-Carolina Mill.	
3 hands at	$1 25	per day.	1 mule spinner, at	$1 50 per day.
5 " "	1 04	"	1 man, at	75 "
4 " "	84	"	2 men, at	50 "
2 " "	85	"	2 " "	43 "
2 " "	75	"	2 " "	39 "
17 " "	72	"	12 girls at	26 "
17 " "	61	"	4 " "	25 "
22 " "	57	"	6 girls and boys at	20 "
15 " "	51	"	11 " " "	16 "
7 " "	47	"	6 " " "	12 "
1 " "	39	"	7 " " "	10 "
1 " "	35	"		

TABLE F.

Carding machines are now generally made from 30 to 36 inches wide, and are capable of carding from 2 to 2¼ lbs. to the inch. Spindles adapted to coarse yarn, such as is woven into osnaburgs, will turn out 1 lb. to the spindle; so that it will be necessary to have 60 spindles. In making assorted yarn, from Nos. 8 to 20, smaller spindles are used, and a half-pound to the spindle is as much as can be taken from them; so that 120 spindles will be required for each carding-engine. In putting up small Factories, a picker and lap-machine will be indispensable; and the following is as small a quantity of machinery as can be run to advantage:

For a picker and lapper, each $200,	$400
" 4 carding engines, " $220,	880
" 1 three-head drawing frame,	210
" 1 twelve-strand speeder,	290
" 620 throstle spindles, each $5,	3,100
	$4,880

Add to this the proportion of bobbins, tools, and other miscellaneous articles, (which see, Tables B. C. and D.) and you have about the cost of the machinery necessary in a Factory containing 620 spindles.

For a larger number of spindles, the cost will be increased in about the same ratio, except that the picker and lap-machine would answer for 2000 spindles.

A loom running on osnaburgs, ought to turn out 28 lbs. or 56 yards of cloth per day; and those running on shirtings and sheetings, of Nos. 12 to 14 yarn, will make 15 lbs., or 45 yards of cloth. By these data, persons will be able to ascertain the number of looms requisite for a given number of spindles.

TABLE G.

STATISTICS OF LOWELL COTTON MANUFACTURES, JANUARY 1, 1844.

COMPILED FROM AUTHENTIC SOURCES.

Corporations.	*Merrimack.*	*Hamilton.*	*Appleton.*	*Lowell.*	*Suffolk.*	*Tremont.*	*Lawrence.*	*Boott.*	*Mass.*
Incorporated,	1822	1825	1828	1828	1830	1830	1830	1835	1839
Commenced Operations,	1823	1825	1828	1828	1832	1832	1833–4	1836	1840
Capital Stock,	2,000,000	1,000,000	600,000	600,000	600,000	600,000	1,500,000	1,200,000	1,200,000
Number of Mills,	5&Print Wks	3&Print Wks	2	2, 1 cotton, 1 carpet.	2	2	5	4	4
Spindles,	40,384	21,248	11,776	6,000 Cotton, beside Wool.	11,776	11,520	32,640	31,524	27,008
Looms,	1,300	590	400	152 Cotton,50 power carpet, 40 hand do.	352	409	950	910	882
Females employed,	1,250	650	340	400	340	360	900	780	725
Males employed,	550	250	65	200	70	70	170	130	160
Yards made per week,	250,000	100,000	100,000	2,500 Car.,150 Rugs, 85,000.	90,000	115,000	210,000	180,000	260,000
Bales of cotton used in do.	130	100	90	110	90	75	180	145	200
Pounds of Cotton wro't in do.,	56,000	42,000	36,000	40,000	32,000	30,000	65,000	59,000	80,000
Yards dyed and printed do.,	210,000	63,000							
Kind of Goods made,	Pr'ts &Sheetings, No. 22 to 40.	Prts Flannels Sheetings, &c No. 14 to 40.	Sheet'gs & Shirt'gs,14.	Carpets,Rugs &Negro Cl'th	Drill'gs. 14	Sheet'gs & Shirt'gs,14.	Print'g Cl'ths Sheet& Shirt. No. 14 to 30.	Drillings, 14. Shirtings, 40. Pr'gCloth,40.	Sheet'gs.13 Shirt'gs. 14 Drilling, 14
Tons Anthracite Coal per ann.	5,000	3,000	300	500	300	250	650	750	750
Cords of Wood per. ann.,	200	500		500	70	60	120	70	70
Gallons of Oil per ann.,	13,000	6,500	3,440	Olive, 4,000. Sperm, 4,000.	3,500	3,692	8,217	7,100	7,100
Diameter of water-wheels,	30 ft.	13 ft.	13 ft.	13 ft.	13 ft.	13 ft.	17 ft.	17 ft.	17 ft.
Length of do. for each mill,	24 ft.	42 ft.	42 ft.	60 ft.	42 ft.	42 ft.	60 ft.	60 ft.	60 ft.
How warmed,	Steam.	Steam&H.A.	Steam.	Hot AirFurn.	Steam.	Steam.	Steam.	Steam&H.A.	Steam.

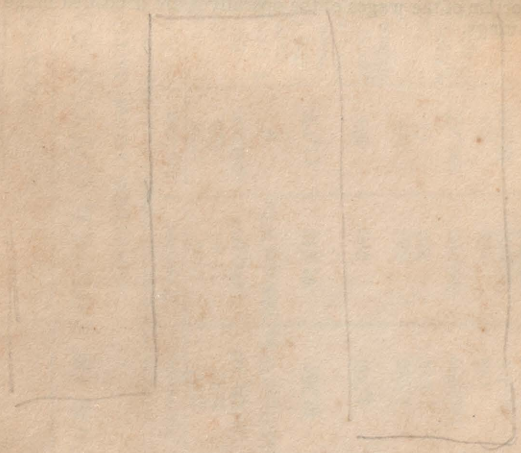
Yards of Cloth per annum,	74,141,600
Pounds of Cotton consumed,	22,880,000
Assuming half to be Upland, and half New-Orleans and Ala., the consumption in bales, 361 lbs. each, is	58,240
A pound of Cotton averages 3 1-5 yards.	
100 lbs. Cotton will produce 89 lbs. Cloth.	
Average wages of Females, clear of board, per week,	$1 75
Average wages of Males, clear of board, per day,	70
Medium produce of a Loom, No. 14 yarn, yards per day,	44 to 45
" " " No. 30 " " " "	30
Average per Spindle, yards per day,	1 1-10
Average amount of wages paid per month,	$150,000
Consumption of Starch per annum, (lbs.)	800,000
Consumption of Flour for Starch in Mills, Print Works, and Bleachery, bbls. per annum,	4,000
Consumption of Charcoal, bushels per annum,	600,000

The Locks and Canals Machine Shop, included among the 33 Mills, can furnish Machinery complete for a Mill of 5000 Spindles in four months; and lumber and materials are always at command, with which to build or rebuild a Mill in that time, if required. When building Mills, the Locks and Canals Company employ directly and indirectly from 1000 to 1200 hands.

To the above-named principal establishments may be added, the Lowell Water-Proofing, connected with the Middlesex Manufacturing Company; the extensive Powder Mills of O. M. Whipple, Esq.; the Lowell Bleachery, with a capital of $50,000; Flannel Mill; Blanket Mill; Batting Mill; Paper Mill; Card and Whip Factory; Planing Machine; Reed Machine; Foundry; Grist and Saw Mills;—together employing about 500 hands, and a capital of $500,000.

With regard to the health of persons employed in the mills, six of the females out of ten enjoy better health than before entering the mills; and of the males, one-half derive the same advantage. In their moral condition and character, they are not inferior to any portion of the community.

A very considerable portion of the wages of the operatives are deposited in the Lowell Institution for Savings.



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ADDRESS

ON THE

BIRTH DAY OF GEN. WASHINGTON,

DELIVERED AT THE REQUEST OF THE

WASHINGTON LIGHT INFANTRY,

ON THE 22D OF FEBRUARY, 1845;

BEING THE 38TH ANNIVERSARY OF THAT CORPS.

BY CHARLES FRASER.

CHARLESTON:
PRINTED BY WALKER & BURKE,
NO. 3 BROAD-STREET.
1845.

Resolution adopted by the Washington Light Infantry on the 22d February, 1845.

"RESOLVED, That the thanks of the Washington Light Infantry be returned to CHARLES FRASER, Esq., for the able and eloquent Oration pronounced by him this day before the Corps, and that he be requested to favor them with a copy for publication."

ADDRESS.

The speaker who addresses an American audience on this day's commemoration, is sure of a subject whose interest time cannot impair, or familiarity exhaust. But when he beholds in that audience a corps, whose peculiar pride it is to cherish its animating associations, and at whose instance the grateful duty has been undertaken, he finds the flame already kindled upon the altar to which he brings his offering. And how much is the interest of the scene enhanced by the welcome presence of their military guests who have come, with patriotic zeal, from a sister city, to honor us with a visit, and to unite with kindred sentiment in this oblation of public respect.

It is not uncommon on this occasion to advert to the time honored custom of annually celebrating memorable events, as though a sanction were wanting for its solemnities. But what if history were silent and furnished no such example, would there not be a sufficient sanction in the dictates of your own bosoms, and in the animating sympathies of all who surround you? Is it not rather your privilege to assemble thus, as a band of brothers, associated in the name of Washington, to honor his memory with filial respect—to contemplate the exalted virtues and eminent services which have attached to that name such imperishable interest, and to improve and elevate your minds, by contemplating his transcendant example. On this occasion, we invoke neither the historian nor the biographer, preferring rather to repose amidst the pleasant walks which their labors have already

opened to us. And who of you, my friends, amidst the celebrations in which this anniversary has so often united you, can say that time has made its recurrence less grateful to his heart, or obliterated a single one of its earliest impressions? Who, that has not already anticipated every thought and sentiment appropriate to the occasion? To be the organ even of their imperfect expression, is, then, the ambition of him who has the honor of addressing you. And how can the subject be better approached, than by a tender of congratulation to all who have met here to honor the memory of the father of our common country, by participating in a tribute, suitable, because it is rational; praiseworthy, because it is disinterested; and gratifying, because so nobly merited.

Yes, we welcome the birth-day of Washington—and indulging in a brief suspension of all ordinary cares, unite in surrendering our feelings to the impulses and reflections it always excites. In these, there is a renewed and renovating influence, which like "the sweet coming of Spring," makes them rather the companions of time, than the victims of its power. They prepare us for our theme, and better enable us to dwell on the elements of a character, which, combining every quality that could distinguish the soldier, the statesman and the citizen, made him, as he was indeed so justly pronounced, first in war, first in peace, and first in the hearts of his countrymen. In that character we behold a great moral pyramid, resting on the immutable basis of truth and wisdom, and in the adjustment of whose proportions, every ennobling excellence had a part. If its prototypes of human structure have resisted the encroachments of untold years, and still left their venerable forms to attract the wonder and admiration of the world; that character, embalmed

in verse and history, will enjoy an indestructible existence in the respect and admiration of future ages.

Time, as it rolls on, leaves upon the lists of fame, as though in grateful acknowledgment, the names of those whose deeds have marked its progress; making one period the debtor of its antecedent, for the development of principles and the accumulation of light. Hence, there is not a civilized nation whose annals do not record the services of one or more distingnished individuals, whose memory they delight to honor, and who are ranked by them amongst the great of the earth. Heroes and virtuous legislators were deified by the ancients, whilst in modern times, they have been canonized and venerated as saints. And yet it has been said that greatness has no reality—that it is an idol of the fancy, a notion that consists in relation and comparison. This remark, however just as applied to corporeal objects, can have but little reference to the moral and intellectual world: and although even there, the terms *great* and *greater* are often used to distinguish the comparative attainments of men in honorable pursuits, yet there is an elevation of character, a high order of excellence, which, whether it be the result of discipline or endowment, places its possessor beyond the reach of comparison, and truly and solely entitles him to the distinction.

Why do we dwell on the precious models of virtue bequeathed to us by Greece, when she was "living Greece no more"—models, which after f rming, elevating and purifying the character of her sons, come to us through a long course of ages, fresh and unmutilated, and as worthy as ever of study and imitation? Why do we invite the student of art to contemplate the productions of ancient genius, or lead the young pilgrim to warm his heart on the battle field of Thermopylæ or Bannockburn, if

there were not standards of excellence, short of whose attainment, every exertion, however strenuous or successful, fails to identify the aspirer with his object?

Industry and well regulated ambition, are always rewarded by a success proportioned to their exertion. But after all it is the success of cultivation, and must vary with the capacities of the mind, and the magnitude of the object to which they are directed. The title "great," has never been deemed a meed unworthy of those who are prominent in laudable efforts, nor would we withhold this glorious agnomen from any, on whom their cotemporaries have bestowed it as the rewards of preeminence. With the names of Bacon and Newton and Locke, it has been so joined, that it is not in the power of man to put them asunder. The philosopher, the jurist, the statesman, the divine, the philanthropist, may each aspire to it as a conventional distinction, by which society gratefully recognizes and honors the exertions he has made for their advancement. The title, thus awarded, is an honorary badge, implying the acknowledgment of the peculiar merits that have earned it. Yet after all, epithets are but external trappings.

> "Titles of honor add not to his worth,
> Who is an honor to his title."

And how often have they been applied to those whose laurels have been steeped in the blood of their fellow men; whose restless ambition has made them the scourge of nations, or the disturbers of their country's peace; and who, if they were a mark of true glory, have sought them by doing all that is unworthy of them. This, at least, makes their value questionable. Could we therefore regret, when we read of Antiochus the Great, Alexander the Great, Pompey the Great, and even of Herod the Great, that we have never yet heard of WASHINGTON

the Great. Any why? because there is a halo around that name, in the brightness of which every title and epithet would be lost. Because, with all its proud associations, it is never less alone than when alone.

True moral greatness, then, stands like the sun in the firmament, wrapt in its own splendor, and subject to no diminution by comparison. It is an emanation of the Divine source of all excellence—an inherent quality—a focus converging all that we can conceive of perfection in mere uninspired man. Thus exhibiting, in harmonious adjustment and cooperation, the purest and loftiest impulses of his nature: *energy of character*, equal to the most trying emergencies; *firmness*, neither yielding to the assaults of danger, nor allured by the temptations of power: *justice*, unswayed by menace or favor; *truth*, seeking no other sanction than the approving smiles of heaven; *honor*, "linked unto life," and measuring every thought and action by the standard of self respect; *equanimity*, alike undisturbed by the favors or the frowns of fortune; *prudence*, yielding the dazzling temptations of action and enterprize, to the sober dictates of reason and reflection, but with a courage corresponding to any exigence; *humility*, based upon that beautiful scriptural maxim, "in honor preferring one another;" *wisdom*, triumphing over the suggestions of passion and prejudice, and not only applying to the present the experience of the past, but surveying it through the medium of the future—and yet a higher influence, borrowed from the great archetype of all human excellence, infusing its spirit into each of these attributes, and elevating their possessor to a height

"Above all Greek, above all Roman fame."

Then behold this beautiful combination, harmonized and

regulated by a willing and devout submission to an ever present and overruling Providence.

The man whose character unites these qualities, and who brings them into active exercise, by devoting them to the service of his country in her darkest hour of need and peril—who leads her armies, and presides over her councils in complicated trials and perplexities—and after all, acquiring glory by not coveting it, seeks no other reward that she can bestow, than that of sharing with her in the blessings and privileges which he has earned for her. Such a man, and he only, is truly great. And such a one was GEORGE WASHINGTON; of whom it has been recently said by a distinguished foreign statesman and jurist, "That he was the greatest man of our own, or of any age, the only one upon whom the epithet could be innocently and justly bestowed."

It is a common remark, that eventful times are prolific of talent, and that they call into life energies and resources, which might otherwise have been inactive and unknown. The history of all revolutions shows this. Nor was our own wanting in examples of ardent patriotism and exalted abilities, elicited equally by the magnitude of their object, and the sacrifices it involved. But in admitting the general truth of this remark, we may safely assume the reverse of it in regard to *him* who is the subject of our reflections. No augury had shadowed forth the future greatness of the infant of Westmoreland. No oracle had declared that he was to be the *deliverer of his country.* But that Power which shapes the destinies of men and nations, smiled propitious on his birth, and penetrating with a glance the vista of futurity, pronounced the happy auspices of that hour—that it should be the herald and precursor of a *nation's* birth. It was then ordained that that babe should become "a vessel unto honor," and that

the event should be a glorious epoch in the history of a nation. Yet no one dreamed of the mighty causes in quiet but active operation, whose issues were to attract to it so lasting an interest. But those causes were directed and controlled by a moral government, whose laws are invariable and unyielding; otherwise the 22d February, 1732, would have been undistinguished in the annals of time. Neither the voice nor the heart of gladness and gratitude would have hailed its return, and far other destinies might have awaited us. But this was the day spring that reflected the light of heaven upon our land.

Connecting the event (though then unperceived) with the train of great results which it involved, could we fail to discern in it the same protective power that had watched over the infancy and youth of the leader and lawgiver of Israel. Can we believe that a mind endowed as Washington's was, with qualities so far transcending the ordinary level of human capacity, could depend upon any but an extraordinary juncture for their development, or be circumscribed by any common sphere of action? That energies and resources commensurate with the most unexampled claims of duty and devotion, could have been destined for inaction—or even that they were bestowed, except for the accomplishment of some great end? Can we believe otherwise than that he was born to wield a mighty power over the events of his day—born to be the founder of the American Republic? In adopting this opinion, we not only manifest a just sense of so signal an interposition of Divine Providence in our behalf, but we render due honor to the memory of one, who uniformly, in every variety of situation—whether glorying in his country's prosperity, or depressed by her misfortunes; whether in public or in private; the citizen or the soldier; the commander or the counsellor; not only expressed

a devout and religious dependance on the will of Providence, and a grateful sense of its favors, but on all proper occasions, inculcated it on others as incumbent and paramount obligations.

The allusion we have made to the causes which should connect future events with the birth of Washington, is not intended to call in question his liberty as a rational and moral agent. Enough for us is it to believe, that it advanced one of the great designs of Him "in whom are hid all the treasures of wisdom," and who could alone have a knowledge of future and even of contingent events. *A great design*—for who but God himself could determine the great question, in the words of Isaiah, "Shall a nation be born at once?" The allusion also forces upon us an inquiry into the origin and nature of those causes; an inquiry too brief to be satisfactory, unless aided and even responded to in anticipation, by an enlightened auditory.

The Declaration of Independence was nothing more than the announcement and promulgation of what had been virtually and substantially asserted, when the foot-step of the earliest colonist was imprinted on the shores of this continent. *There* was the seal that fixed forever a sacred compact between freedom and the oppressed of all nations, and secured to them the two great principles of public welfare—liberty of conscience, and the right of self government. Whilst the origin of other people is veiled by the mists of antiquity, and their utmost civilization deduced by a gradual progress from early ignorance and barbarism, ours, so far from being uncertain and obscure, was itself an era of civil, political and religious light. The colonial settlement of this country cannot be overrated for its influence on social advancement, and for the boldness it imparted to inquiry and opinion. What-

ever agency the hope of gain may have had, in tempting adventurers to her shores, the most prominent and respectable colonists were those who sought a refuge from religious intolerance and persecution, and who brought with them an ardent love of liberty, an indomitable spirit of enterprise, an unalterable determination to worship their Maker in the full light of his revelation, and in the devout hope that whersoever planted, "the tabernacle of the righteous should flourish." And what a field was opened to them in a hemisphere, whose only government was that of nature; which the corrupt maxims of society had never polluted, and in which bigotry and tyranny had no foothold. Little thought they that this field was to be the scene of events that would exemplify some of the noblest teachings of philosophy. Time prospered their hopes. The self-denying Puritan—the peaceful follower of Penn—the oppressed but unsubdued Hugonot—the restive and intrepid Anglo-American of the South—were all impelled by the same feelings, and contending for the same principles. And what were they, but the external agents of a spirit of regeneration, far in advance of the age; employed in the solution of the great problem, whether government could rest on any other basis than the self constituted claims of power.

Although many of the Colonies were remote from each other, and independent in their relations, there was an unperceived affinity, a cognate interest, in their fortunes, which could only have reference to the future. The trials and hardships which they had separately encountered and subdued, were common to all. It was not the frontiers of one, but of every one, that had been drenched with blood. Their assertions of right against arbitrary encroachments, were mutually re-echoed. The profits of their industry were monopolized by an exclusive com-

merce, whilst inter-colonial restrictions embarrassed them. These, and many other hardships, absorbed at the time in their loyalty, had also reference to the future; and although not so regarded then, were the presages of independence. The success that had rewarded their industry, whilst it bound them to the soil, taught them practically where the ultimate source of political power resides; not in hereditary dignity, nor in the trappings and prerogatives of royalty, but in the sinews and the hearts of an enterprising and frugal people, and in their home-felt attachments.

Upwards of a century and a half elapsed, finding the colonists still ardently cherishing that love of liberty, which was the patrimony of their hardy sires, but under circumstances widely different No longer the pioneers of civilization, they were in possession of its richest blessings. The resources of the country were rapidly developing themselves. Commerce had enriched them; education had enlightened them; enterprise had inspired confidence; neglect had taught them to depend on themselves, and if they wanted power, its resources were at hand. Geographical position had made them neighbors, and a common parentage, brethren; and strange to say, the only avowed sentiment that bound them together, was that of allegiance to the crown—but it was the allegiance of a high minded people, sensitive alike to benefits and indignities. Here then were ample materials for independence; and vain indeed was that philosophy which could calculate upon the submission of the colonies, to a tyranny that assailed their most cherished privileges. But the counsels that would have exposed its errors, were unheeded.

We pass over the proximate causes of the revolution. A crisis had arrived—hostilities were commenced, and

blood had been spilt. It was then that union and independence sprang from their elements into form and life, and gave a new nation to the world. This was decidedly the most important event of modern times. Could its results have been foreseen—could the bright career that awaited her have been anticipated by the other nations of the earth—they would have "rejoiced to see that day," and have hailed it as a great era in the history of human advancement.

Upon the issue of the contest which the Declaration of Independence found the American people engaged, were staked all the great principles we have just reviewed. It was to decide whether their fathers had been impelled by a misguided enthusiasm, or had built their hopes of freedom upon a rational foundation: whether thirteen commonwealths, identified in interest and united in sentiment, should enjoy that right to political existence, which their strength, their relative position, their common origin and language, their hopes and destinies so justly entitled them to: whether indeed, they should be recognized as a member of the great family of the earth. It was substantially a struggle between right and power, defence and aggression; not only involving these vital considerations, but embracing remote consequences, and deciding the fate of unborn millions.

If there could be one situation more honorable than another—one involving higher responsibilities, and requiring greater energy and capacity—one demanding more unwavering and devoted patriotism—it was that of the *leader* of those who were to do battle in so glorious a cause. And of whom but of George Washington could it be said, that whilst his countrymen looked to him as the only person worthy of so exalted a proof of their confidence, he was the only one that was unconscious of

his claims to it. And he who, but a short time before, had consented to take command of a volunteer company in defence of his country's liberties, was, by the unanimous voice of Congress, appointed commander in-chief of her armies. Such humility was the surest earnest of the high qualities that fitted him for that station. Let his address upon receiving, and that upon his resignation of this appointment, be viewed together, and they fully sustain the assertion. And how happily do they illustrate those lines of the poet,

> "In a just cause, to fight for our country's glory,
> Is the best office of the best of men."

With all the respect that this appointment manifested for him who was the object of it, it is certain that they who conferred it, were little aware that in distinguishing one so unambitious of preferment, they were giving to history a higher standard of human excellence than had ever before enriched its pages. It is true that his character had not then fully developed itself. The strength of the oak can only be proved by the tempest. Yet as a proof of the fallacy of every test drawn from a knowledge of the past, by which Washington could be estimated, it is recorded that, at this period, a wish was personally expressed to him from high authority, "that when the contest should be decided, he would resign the important deposit committeed to his hands."

We who had then no interest in the concerns of time, for our names were not yet enrolled upon its motley lists, have abundant reason to rejoice in the heaven-directed judgment that selected him for so important a purpose. Had it fallen on any other person than George Washington, it is awful to think of the lot that might now have awaited us. If every quality had been combined in such other person, would he have devoted them to principle? If

he had been a just man, would he have been supported by resolution? if zealous, would he have been wise? and if successful, might he not have been dazzled by the temptations of power, and we, who are now living in the sunshine of national prosperity, under a free and happy government, have exhibited the melancholy spectacle of petty despotisms, or of national servitude and degradation?

Thus having briefly considered the progressive causes in connection with which, he was to exercise so powerful a control over the events of his day, it becomes important to enquire whence was derived that confidence in his abilities, which induced a preference of him as a military commander to those who had more enlarged experience, and might therefore be justly believed to be more competent for the station. To this it may be replied, that his public services even when a youth, had entitled him to a distinguished place in our colonial history. He had received the highest honors which his native province could bestow; and the country had rewarded him with the title of "the soldier of America." Besides, there is an irresistible impulse which always lifts the gifted mind to its proper sphere, a native energy in the highest order of talent that triumphs over every obstacle, and draws to itself the homage of every heart. It may be truly said of him, that on no occasion had he ever been employed in any public office without proving that he was capable of still higher trusts. And so decided was the ascendancy of his character, that without one instance of exception, he never received an appointment, however important, that was not unanimously conferred. And it was said that his election on this occasion, "was accompanied with no competition and followed by no envy." And may there not be another way of accounting for it? Was

not Moses taken from the flocks of Midian, and David from the sheepfold of his father?

But the great link that associated these two events, and held them in mysterious relation, was his marvellous preservation amidst the carnage of Monongahela. For what but the hand of Providence could have held over him the invisible shield, which saved him on that occasion for his country. His education also seems to have had more than ordinary reference to his future career, which was rather that of usefulness than display. However plain or limited, it seems to have been peculiarly adapted to the bent of his mind, which in its earliest developments, was said to be practical and judicious. It was a soil for good seed producing a hundred fold. But it is evident that the most valuable portion of his education, was that of the nursery, where he was disciplined in the precepts of virtue and conscience and duty. It was there that those principles received their first impulse, which were afterwards distinguishable in every act of his life, and in every act of his life proved the necessary and inseparable connection between public and private virtue.

Daughters of Columbia, be it your pride to reflect that the early lessons which moulded the character of Washington, were mingled with a mother's caresses.

It was the beautiful equilibrium of the qualities that distinguished his mind, that gave to each its proper action. If ambition, which in him was virtue, had once transcended its limits, it would have destroyed the harmony of the whole system. Enterprise might have become rashness, and even honor have been deluded by some fancied vision. It was this that made the limited experience he had acquired as a provincial officer, available for the more important duties he had now assumed. For instead of protecting the frontier of a colony against

a savage foe, he had to defend the outworks of a nation's liberties against disciplined armies and veteran leaders. His wisdom was too comprehensive not to discover promptly that it must be a warfare, on his part, of moral rather than of physical force; a warfare sternly requiring endurance, self-denial, and indeed every privation and sacrifice that could prove his country worthy of what she was contending for. He set out with a proposition which was always kept in view, and which, though entangled with inconceivable difficulties, he at length triumphantly demonstrated, that that country was not to be conquered. And so entire was his devotion to that object, that his reputation was even hazarded for its attainment. What but this could have induced him to adopt a system so repugnant to his character and feelings, and so incompatible with the duties of a General. But his practical sagacity foresaw the dangers of committing the fortunes of his cause to the uncertain issue of a general action. He preferred therefore to retreat before his enemies, and to turn upon them like the Parthian in his flight, impeding and harrassing them at every step of their advance. With this hope, he consoled himself upon the unfortunate close of the campaign of '75.

History informs us of the very feeble and inadequate condition of his army at that period. It was without equipment or discipline; but these deficiencies were supplied by the ardor of his patriot soldiers. How striking is the contrast in this respect, between them and their adversary. On the one side, were men taken from the peaceful employments of agriculture, and other avocations of civil life; on the other, soldiers practised in wars of ambition and conquest; on the one side, men fighting for their homes and their liberties; on the other, foreign hirelings employed as instruments of revenge, and bent on

every excess. On the one side, leaders throwing all responsibility on their rulers; on the other, officers identified in honor and duty, with their own republican institutions; many of whom were destined atterwards to fill high places in the confidence of their fellow-citizens,—for in the memorable retreat through Jersey, there were two individuals, who, like their honored commander, became afterwards chief magistrates of the union.

From the pen of one of them is the following graphic description:—

"I saw him in my earliest youth in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always *next the enemy*, and his countenance and manner made an impression on me, which time can never efface. I happened to be in the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed before me, which amounted to less than three thousand men. A deportment so firm, so exalted, but yet so modest and composed, I have never seen."*

Yes—his policy was retreat; but could he be censured for adopting it, when even that Congress "which had pledged themselves to maintain him, and adhere to him with their lives and their fortunes, were compelled to quit their own consecrated hall, and seek safety in removal?" Yet how nobly did he realize the hope he had expressed, by the brilliant actions of Trenton and Princeton, wnich gave unquestionable earnest of what he could have achieved under any circumstances of parity with his enemy.

The public joy produced by these events, and the animation they diffused, were strongly contrasted with

* Mr. Madison.

the anxieties of Washington's mind. He had roused an enemy of more than twice his numbers, whilst he found his own army daily melting away, and at length so reduced, as to compel him to say to Congress, that he expected soon to have no army at all. Although a season of great despondency was at hand, it was only to make his firmness more conspicuous. Besides, there was a source of consolatory hope which never failed. It was then that he thus expressed himself to a friend, "*our cause is just, and Providence will protect it.*"

His subsequent misfortunes at Brandywine and Germantown, whilst they in no manner impaired his military reputation, or lessened his own confidence in the cause, proved, however, the soundness of that judgment, which would have checked any untimely feeling of exultation or triumph, although himself had been the occasion of it. He deprecated any influence that might relax the exertions of the Government, or produce a premature confidence in the public mind.

If we trespass on the province of history, by following him too closely in his chequered career of hardship and honor, let it be remembered that in forming a due estimate of character, it is difficult to proceed without frequent reference to the circumstances by which it has been elicited, and with which it is in fact identified. In relation to it, they are as the soil from which the tree springs up in all its strength and beauty; and what incident is there recorded of Washington, that is not fertile in illustration?

If you would behold a picture of deep and touching interest, enter *in imagination* into the midnight solitude of his tent at Valley Forge, whither amidst the rigours of a Northern winter, and in the very depth of it, he had been forced into quarters, with crowded hospitals, and

an army which had shared with him in the toils and dangers of the field—starving and naked, and destitute of the smallest portion even of the small comfort of a soldier's life—*himself* the subject of distrust and dissatisfaction, which had not only vented themselves in ungenerous and degrading comparisons, but even in remonstrances to Congress—*himself* the object of a base intrigue that was treacherously seeking to undermine his reputation, and supplant him in his command. Yet, behold him undisturbed—his brow unruffled by any feeling of resentment, and directing all his care and concern to the alleviation of those sufferings over which his heart was bleeding. He takes up his pen, and indites that memorable letter to the President of Congress, under an excitement which distinguishes its style from that of any previous communication. He complains and remonstrates, tells them in bold language how his measures had been impeded—and that without their speedy action, the only alternative before him, was that of absolute starvation, or a dissolution of the army; and thus concludes—"I feel superabundantly for the naked and distressed soldiers, and from my soul pity those miseries which it is not in my power either to relieve or prevent."* His task is finished—the duties of the coming day admonish him—but before he retires to rest, behold Washington on his knees, with eyes and heart directed to heaven, imploring a blessing on his country, and asking its forgiveness of those who would have injured her by calumniating him, upon whom she had cast her hopes, her cares and her fortunes. Had his pillow been of rock,

* The passage here quoted, was read from the original letter, which is preserved amongst the papers of the Hon. Henry Laurens, then President of Congress. It is in the possession of one of his descendants, who kindly permitted the use of it on this occasion.

his slumbers might have been envied. But how different from this was that night, when we see him wrapt in his cloak, and resting with those very soldiers upon the field of Monmouth, waiting for the dawn of another day of toil and glory.

It was this republican sympathy (and was it less natural for being republican,) for those soldiers, over whom, with whom, and for whom, he had so long honorably served, that made him the very idol of their affection. There was an influence in his character which assimilated to himself all who were connected with him in duty, and even imparted to them a portion of his own mental elevation. It was this that surrounded him with a body of able coadjutors, who felt it an honor to share his dangers and responsibilities, and to devote their highest energies to the advancement and execution of his designs. Even treachery shrank from it, and was glad to expiate every feeling of rancour by a willing homage to its power. This influence it was that at more than one period of the revolution, sustained the fortunes of the country. Great as were his services in the camp, and in the field, they could scarcely be measured with the ceaseless efforts of his mind, to rally the flagging hopes and exertions of the States, and to awaken even *Congress* to a sense of the magnitude of what it had pledged. Of these efforts more is revealed to us than could possibly have been known to his cotemporaries. His published correspondence is itself a monument of gigantic labor and unsleeping solicitude.

Personal influence seldom extends from the presence of him from whom it proceeds. Not so with Washington, for his was felt and acknowledged in the remotest corners of the country. It silenced the language of despondency. It gave a tone to public sentiment, and a

tendency to public exertion. It animated the soldier and infused spirit into the statesman:—*in fact it saved the country.*

History might be challenged to furnish an instance of so great an ascendancy as he had over his army, so honorably wielded. At the close of the revolution, the liberties of the country were within his grasp. He might have employed that army, with entire success, for the purposes of an ignoble ambition; but military glory, which is the end and aim of less virtuous minds, was considered by him only the means of accomplishing higher and greater objects. A far nobler triumph than that of arms awaited him—a triumph over the seductions of power—a title higher than empire could bestow, that of the friend and deliverer of his country.

Simple and unimposing as it was, could there be conceived a scene of greater moral sublimity, than that of Washington surrendering to the government the Commission which had pledged its confidence in his ability to sustain it, through a struggle which involved its very existence. That Commission had accompanied him for eight years through every vicissitude of a relentless war, through anxious days and watchful nights—in defeat and victory—in toil and suffering—in hope, but never in despondency. The obloquy that would have assailed it, found an ægis in his character that preserved it pure and unsullied. The honor that had kept it, sanctified it. It was a warrant of unlimited power, but yet in its exercise had known no other restriction, nor had been used for any other object, than the welfare of that country to which it was then restored.

He had now in part accomplished the great purpose for which he had been so providentially rescued in the wilderness; whilst upon every principle of hope, there

was a presage of its entire accomplishment, in his no less fortunate escape from the recent perils to which his ardor in battle had exposed him. A voice almost audible to us seems thus to have addressed him—"*I have been with thee wheresoever thou hast walked, I have cut off all thine enemies from before thee, and I have made thee a name like the name of the great men that are in the earth.*"

With what delight did he look forward to the near approach of that domestic retirement so congenial to his feelings, and which he had left with such reluctance. He returned to it with assurances solemnly and openly repeated, "that he had bid adieu to all public employments;" and, in an address which he intended for the widest circulation, he emphatically declared "the determination he had formed of not taking any share in public business thereafter."

Admirable man! such was the decision of a judgment, which, when once formed, was always the inflexible rule of his conduct. But even Washington forgot that "it is the heart of man that deviseth his way," and his heart was with his country. He forgot that war was not the only calamity that might call to her support all the energies of the patriot. The return of peace found the States with scarcely more than the shadow of a government. The national sentiment which had given such vital impulse to their coalition during the war, was fast expiring, and national interests becoming absorbed in local and separate pursuits. Their most solemn obligations to the government, and to each other, were disregarded, and the power of Congress to enforce them feeble and nugatory.

This alarming condition of the country disturbed the repose of Mount Vernon, and produced the deepest solici-

tude in the bosom of its venerable recluse. He had sought its shades with claims which the congenial tranquility of virtue could only bestow, and never was retirement more dignified. To him, above all men, it might truly be said to have been a "*feast of nectar'd sweets.*" But into what sanctuary will not care intrude; and could Washington be otherwise than deeply grieved, when anarchy and confusion threatened to blast the fairest hopes of his country? No longer in her service, his character and influence yet made him "*a tower of strength.*" Through the darkness that impended, he saw a ray of hope in what he called "the discerning and reflecting part of the community." To them his judgment dictated the most salutary counsels, and his widely extended correspondence with them, bear honorable testimony not only to his zeal, but to his profound and statesmanlike views. Behold him again coming forth to her rescue, not armed as before with the *sword*, but with what was more powerful to save or defend—with *wisdom*, "whose strength is in itself."

Words could add nothing to the tribute paid by the illustrious Chatham to the Congress of 1775. But if they could so enlarge it as to convey even higher praise, that praise would not be beyond the merits of the Convention which framed our admirable Constitution. Washington presided over its deliberations. Franklin, Jay, Hamilton, Madison and Sherman, were there. Purer motives, more enlightened understandings, and greater practical sagacity, were never brought to the councils of any one body of men.

To form into one general government, with legislative, judicial and executive powers for all national purposes, thirteen States, independent of each other, and claiming and exercising internal sovereignty within their respec-

tive limits, was the great object of their labors, and well might the friends of rational liberty have trembled for the result. But it was successful, and the great charter of republican liberty came forth with the stamp of Washington's approbation—the most eloquent appeal that could be made in its favor—an appeal which bore it triumphantly through a formidable opposition of talents, learning, interest and jealousy.

If Americans, regardless of the obligations it imposes, should ever approach it with unhallowed design, let them remember that Washington's fame is inseparable from its purity and preservation; and that it embodies the great principles to which his life was devoted, the union of the States, *the rights of the people, and the regulation of their liberties.* It will be remembered, that deeply impressed with the importance of union, and the impossibility of perpetuating it without mutual concession, and a compromise of conflicting interests, he had availed himself of the first moments of peace, whilst but one feeling pervaded the nation, to urge it upon the States as the only means of realizing the blessings of independence. The canker that was in the germ, could not have escaped his perspicacity; he, therefore, endeavored to crush it by all the weight of his character and influence; and, if in the expansion of that germ, its corrosions have been developed, it is only in proportion as his counsels have been unheeded. He considered the union of the States as the principal of independence, and the failure of the one as necessarily involving the ruin of the other.

In his letter to Congress, as President of the Convention, submitting to their consideration the newly framed Constitution, after adverting to the difficulties of conciliating opposite interests, and harmonizing local

prejudices for the general welfare, he thus proceeds, and the sentiment is worthy of the instrument to which it is appended.

"In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence." How humiliating to the pride of opinion, how subversive of the boldest calculations of reason, is the contrast between the practical tendencies of that instrument, and the dark forebodings of its early opponents. How strikingly does it shew that judgment may sometimes be led to the most fallacious conclusions, by influences of which it is unconscious. We know that popular eloquence was arrayed against it, that ancient and modern history were searched for examples to distort its provisions, and to alarm the imaginations of the people. The opposition it met both in and out of the Convention, was nearly fatal to it; and that too from a morbid and over anxious zeal for the sanctity of freedom. And, although the embers of that opposition are scarcely yet smothered, where, amidst the records of time, do we find an instance of such rapid and diffusive prosperity, as has characterized the growth of this country under the auspices of that Constitution. Behold her, in scarcely more than half a century, with twice the number of States, with a five-fold increased population, with an almost unlimited extension of territory, and with a condition of society, advanced beyond all calculation by the improvements of the age.

On assuming the chief magistracy of the United States, his sway over the hearts of the people was unlimited, and nothing could have been more propitious to the success of the great national experiment. Such

popularity as he enjoyed, is the tribute with which society distinguishes the claim of real greatness. Kingdoms could not purchase it. It might be woed, but never can be won. As well might we expect a ray without its centre of light, as that such popularity could rest upon any other base, than the admiration and gratitude of men. The applause that springs from any other source, is a fragile idol that crumbles in the embrace of its votary. It was more than a monarch's power, but without his sceptre or his throne. A dominion more positive than that of royalty, but without pomp or prerogative. For, after all, what is a State, the mere domain comprehended by tangible boundaries? Is it not rather in high minded men, who

"Who know that freedom is bliss, and that honor is strength."

The popularity of General Washington imparted the very breath of life to the new system. Its irresistible attraction drew to him all the wisdom and virtue of the country. No one felt at liberty to withhold his services in any office to which he was appointed—

"For on his choice depended
The safety and the health of the whole State."

The impulse which this gave to the government, conciliated the disaffected, and rivetted the confidence of its friends. The dangers with which the jealousies of liberty had invested it, gradually disappeared, and, in doing so, disclosed its beautiful symmetry, and the harmony of its movements.

Although Gen. Washington had accomplished enough to stamp his character upon the age, it was a happy circumstance in the order of Providence, that that character was yet to be tried in a furnace, which would detect the smallest imperfection. For it was now to be seen,

whether his popularity, identified as it was with conscious rectitude, would enable him successfully to impose those salutary, but unwelcome restraints upon the temporary will of the people, which their own calm and deliberate judgment would afterwards approve, and whether the clamor of demagogues, and the passions and discontents of a party, would drive him from the support of his principles, or induce him to take one step, that could in the slightest degree countenance what he believed to be wrong. Knowing that they must be encountered, he was prepared for party clamor, personal enmity, and unmerited reproach, and repelled them, even in anticipation, wtth this noble sentiment—"I fear alone to give real occasion for obloquy, and whensoever my country requires my reputation to be put in risk, regard for my own fame will not come in competition with an object of so much magnitude."

He was not insensible to the calumnies which assailed him, and which now survive only to blacken the page of history; yet virtue must have lost every attribute, if Washington could not have fearlessly appealed to his own heart, and the judgment of posterity for his vindication. Behold him standing upon his *memorable proclamation of neutrality*, like a rock in a tempestuous ocean; opposed, if not deserted, by friends and admirers, yet firm and unmoveable; and now the rock remains, but where are the waves that beat so violently against its base? Subsided into the calm of oblivion—lost amidst other memorials of national delusion. In truth, he feared the decision of no earthly tribunal on his actions, or their motives, and his last words—"*I am not afraid of death*," proves that he was ready to submit his great account to the judgment of heaven.

We have thus endeavored to shew the wonderful coincidence in time, between the maturity of those elements which prepared the way for independence, and the maturity of that mind whose agency and control were to bring them to so happy an issue. We have briefly traced the progress of events leading to it, and have seen in that issue the consummation and reality of the loftiest hopes of men, and can we fail to exclaim with the poet—

> "This was thy work Almighty Providence,
> Whose power, beyond the reach of thought,
> Revolves the orbs of empire ; bids them sink
> Deep in dead'ning night of thy displeasure,
> Or rise majestic o'er a wondering world."

To you, *gentlemen of the Washington Light Infantry*, is justly due the credit of celebrating this day, with appropriate observances, and well may you be proud of the custom. In adopting it as your anniversary, you have pledged your reverence for the doctrines and principles of Washington. Speakers selected from your own ranks, have often hitherto recited his deeds, and pourtrayed his virtues in such glowing and eloquent language, as to prove that the lamp in your keeping is always trimmed, and to ensure the continued purity of its flame.

You are now, perhaps, for the first time, on such an occasion, addressed by one on whose mind the unfading recollection of his person is impressed—who remembers the tumultuous outbreak of popular excitement and dissatisfaction, at one of the most prominent measures of his administration, and who also afterwards witnessed the atonement made by a mourning nation, when he was no longer the *living* object of their gratitude and respect. Some of the ablest delineations of the character of Washington, have been traced by the pens of foreign writers;

but where is the American, that would not prefer the practical exhibition of it, in the improvement of his own character, derived from the study of so perfect a model. Hence, the benefit resulting from your manner of honoring the day. We behold him *here*, not as an actor in the great drama of history, but apart from its scenes, standing in bold relief before us, and wrapt in the mantle of his own greatness. But, if incentives were wanting, need you look beyond that pure patriot and distinguished statesman, William Lowndes, who was the founder, and first commander of your corps, and who, had his public services been cotemporaneous with those of Washington, would doubtless, have enjoyed his highest confidence, for they were kindred in the principles of honor, integrity and truth; and shall a tribute be wanting here, to his associates in command, Cross and Crafts; honored in life, and honored in their memory.

Far distant be the day, gentlemen, when your country shall require more from you than your *readiness to obey her call.* But if she should, there, in that relic of the "*times that tried men's souls*," is the pledge of your devotion.* All that we know of that standard is identified with honor. Twice did it emerge from the cloud of battle as the herald of victory, and twice was he, under whose auspices it waved, wounded in the service of his country. And when afterwards it might have blazoned many a deed of daring, the modesty of its valiant defender, kept it withdrawn from every eye; nor was its sacred concealment known but to his honored relict, from whose hands the Washington Light Infantry received it, accompanied with a charge, worthy of the daughter of a patriot, and of the widow of a distinguished officer of the

* The revolutionary standard of Colonel William Washington's Regiment.

American Revolution:—"That as it had never known dishonor, it should never be tarnished in their hands." The response is written in your hearts, and attested by the most sacred pledges. Long may this anniversary continue to find you gathered around so pure a fountain, as the character of Washington, to imbibe its refreshing and salutary emanations. Healthful and buoyant be the spirits that accompany your march through life, and when you shall have pitched your tents, may the bugle-call that breaks upon your slumbers, be the summons to an immortal triumph.

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...ed to by the Rev. Gentleman, but as the question had been mooted, he thought it right to give a short account of his claims to compensation. The Hon. Member then, in brief outline, but with irresistible force, gave a lucid summary of the hardships of his case, and the long continued plaudits with which his sentiments were echoed, induce us to the belief that the people of Ipswich will afford him substantial proofs of their genuine sympathy. The next morning Mr. Buckingham, accompanied by Mrs. Buckingham and his son, took their departure for Birmingham, where he had engaged to deliver a similar course of lectures, and where we trust he will meet with kindred success—honourable and creditable alike to his auditors and himself.

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* The revolutionary standard of Colonel William Washington's Regiment.

PUBLIC PROCEEDINGS AT IPSWICH,

ON

MR. BUCKINGHAM'S CLAIMS.

(*From the Suffolk Chronicle of October* 1, 1836.)

The interest which has been excited in this town by the delivery of a course of lectures by Mr. Buckingham, on his travels in the East, as noticed in our last, is entirely unprecedented by any similar event within our recollection. On Monday evening, the room, capable of holding nearly five hundred individuals, was filled to overflowing, and many who had not attended the previous lectures, arrived in time to experience the intellectual loss they had sustained—the lecture of that evening being the last of the series. It is a source of gratification, however, to find there is a fair probability that, on some future occasion, Mr. Buckingham will return to Ipswich, and make us familiar with the cities of Arabia and Persia, as he has done with those of Egypt, Palestine, and Mesopotamia. At the conclusion of the lecture, loud and continuous applause testified the satisfaction of the audience. It had hardly subsided, when the Rev. P. E. Butler, curate of St. Margaret's, rose, and addressed them in the following words :—

"Ladies and Gentlemen—My rising to address you, after what we have just heard, may seem to require an apology. When, however, I tell you that it is for the purpose of expressing the feelings with which I have listened to the Hon. Lecturer that I rise, you will doubtless agree with me that no apology is required. (Applause.) Did not his presence place me under some restraint, I should express them more freely; but this I will say, and with deep sincerity, that, in my humble opinion, the philosopher might have attended these lectures to enlarge his knowledge, the poet to enrich his imagination, and the divine to augment his store of theological literature. It at first appeared to me that, among other points of superiority over us whom he has condescended to instruct, our Lecturer possessed one particularly enviable. I mean the advantage of having personally explored the scenes which he has described. But he has himself, in a great measure, destroyed his superiority in this instance, having, as it were, conducted us through those scenes by the vividness of his descriptions. We have now trodden the distant shores, where his footsteps were, and our eyes have beheld the wonders which his have contemplated. I understand that our Hon. Friend (as he will permit me to call him) appears amongst us under peculiar circumstances. For publicly advocating in India the freedom of trade, and of the Press, he has been a sufferer to the extent of banishment and loss of property. (Hear, hear.) Dear friends, I am no politician—I have never enrolled my name amongst those of any political clubs—I have never even voted at an election—I have never associated myself with any political party. I am well convinced that the welfare of the community, and the will of God, alike demand that Government should be upheld and law enforced. Yet this I will say—and as a clergyman I say it—that while opinions are not embodied in actions detrimental to any portion of the community, the persecution of opinion, whether religious or political, whether right or wrong, is an action unchristian, immoral, and diabolical. But Mr. Buckingham has the peculiar misfortune of still suffering for his advocacy of a cause that has since completely triumphed. The changes for which he pleaded have won the public approbation in India and in England, and have been accomplished by the Legislature of the empire. It is as if the Government that first conducted Protestantism to its political triumph in this country, possessed the power of resuscitating its martyrs and recompensing their endurances, but left one solitary sufferer still weltering in his wounds, or mouldering in his ashes, while his more favoured companions all basked in the prosperity of their cause. I have now the honour to move that our hearty thanks be given to J. S. Buckingham, Esq., M.P. for the valuable course of lectures which he has this evening completed; and, also, that a Subscription be opened in Ipswich and its neighbourhood, in aid of the fund now being collected for indemnifying him under his losses."

The Rev. Gentleman was loudly cheered at the conclusion of his address, and the vote of thanks was given by general acclamation. Mr. Buckingham, evidently much affected, explained to the meeting that he was quite unprepared to hear the subject of his losses in India alluded to by the Rev. Gentleman, but as the question had been mooted, he thought it right to give a short account of his claims to compensation. The Hon. Member then, in brief outline, but with irresistible force, gave a lucid summary of the hardships of his case, and the long continued plaudits with which his sentiments were echoed, induce us to the belief that the people of Ipswich will afford him substantial proofs of their genuine sympathy. The next morning Mr. Buckingham, accompanied by Mrs. Buckingham and his son, took their departure for Birmingham, where he had engaged to deliver a similar course of lectures, and where we trust he will meet with kindred success—honourable and creditable alike to his auditors and himself.

PUBLIC PROCEEDINGS AT BIRMINGHAM,

ON

MR. BUCKINGHAM'S CLAIMS.

(*From the Birmingham Philanthropist of October* 20, 1836.)

After delivering a course of Social Lectures "On the Institutions of Society, and their Influence on Human Happiness," in the Philosophical Hall of Birmingham—of which we have spoken in a former number of our Paper with the commendation which we thought they deserved—Mr. Buckingham announced his intention to deliver a Farewell Lecture to the inhabitants of the town, "On the Cities and Monuments of Palestine, or the Holy Land." The use of the Independent Chapel in Livery-street being readily granted by its respected minister for that purpose; and the Lecture having been announced from the pulpits of all the Wesleyan and Dissenting places of worship in Birmingham, on the preceding Sunday, the Chapel was crowded to excess in every part.

The peculiar facility which Mr. Buckingham possesses of depicting scenery, and describing localities, was very happily exercised during the evening; and the exactness and circumstantiality with which the places he described were brought before us, rendered them quite familiar to us before the evening was over.

The proceedings which took place after, were as interesting to us as the lecture, if not more so; and we think none who heard the simple and artless recital which Mr. Buckingham gave of his wrongs and sufferings, could be unmoved at the tale, or unwilling to contribute, according to his ability, to assist a man who has been so deeply injured by those in authority.

The refusal of the Whig Ministers to recognise his claim, now they are *in* power, after having done so when *out*, is one of those things which makes us unwilling to have a man whom we respect ever to take office; as it seems to produce some unhappy perversion of judgment, and strangeness of opinion, in almost every one who drops into the Ministerial arm-chair. Some sinister influence, some local bias, some new perception, or some loss of memory, seems immediately to happen to almost every one who exchanges power for place.

Mr. Buckingham is proved to have been deeply injured, and not a charge is made against him to palliate the outrages which have been inflicted upon him; and yet he is refused compensation, for no other reason that we can ascertain, than that he is poor and without great connections. Any person who had powerful friends would have been helped out of the mire long ago, and Lord John Russell and Co. are losing many of their friends by this servile imitation of official men, who are so apt to lose their sense of justice in their feeling of authority.

We are sorry to add, that England is not the best place to get justice in the world, either in or out of Parliament. The merchants of Birmingham alone, have reaped sufficient advantages from Mr. Buckingham's advocacy of free trade to the East, to enable them to repay him with that liberality which would stimulate him to increased effort, and be creditable to the place for gratitude and generosity. Alas! how little has Birmingham done! Then Manchester, which at one time thought of purchasing a seat in Parliament for him, in order to advocate the opening of the India trade—now that the trade is opened, £200. is the sum they have hitherto collected, and the thing seems to flag. We hope our Birmingham friends will exert themselves; and sincerely do we wish that Mr. Buckingham may succeed in obtaining at least some testimonial of gratitude, if he do not attain to that which is the desire of our hearts—ample compensation.

On the conclusion of the lecture, W. Wills, Esq. came forward and addressed the meeting. He said if their feelings corresponded with those which actuated himself, they would not be satisfied, he thought, with taking a silent leave of the gentleman who had addressed them that evening. He would, therefore, beg leave to move that their public-spirited and respected friend, Captain Moorsom, should take the chair. (Cheers.)

Captain Moorsom, on taking the chair, said that he had great pleasure in obeying their call upon that occasion. He should feel much gratification in presiding, for however short a time, over the proceedings of so very numerous and highly respectable an assemblage as that before him; but he also felt something more was due to Mr. Buckingham than those fleeting plaudits which had accompanied his address to them. He trusted, therefore, that they would put on record such a testimony of their sense of his talents and public services as should be followed throughout the empire. (Cheers.) Were they aware that he to whom they had listened that evening, with emotions of delight, and who had contributed to their amusement, was a man who, from his advocacy of the cause of liberty in another part of the British Em-

pire, had suffered from tyranny and oppression, and had been ruined by the darkest acts that had ever disgraced irresponsible power. (Hear, hear.) As no man could depict so well the wrongs inflicted upon him, or the sufferings he had endured, as the Hon. Gentleman himself, he trusted that he would narrate them to that meeting, in the hope that their recital would be instrumental in helping to redress them; and he trusted that the resolution about to be submitted to them would be followed by another, which would redound to their own honour, and that of the town of Birmingham—the cradle of civil and religious liberty. (Loud cheers.)

Mr. WILLS again rose for the purpose of submitting for their adoption a resolution of thanks to the Hon. Gentleman, who had gratified them that evening by the rich and intellectual treat which they had just heard. He knew not any language in which he could adequately describe the feelings of admiration with which he had listened to that discourse; for whether he looked to its matter or its manner, he hesitated not to say, that he had enjoyed that evening one of the richest treats that one intellectual man could expect to receive from another. (Cheers.) He would not dwell on the stores of information which had been poured out amongst them, or the rich and nervous language in which it was clothed, but would recall to their minds the correct principles of political economy by which that discourse was marked, and which was eminently calculated to promote the best interests of man in every quarter of the globe. (Cheers.) There was one other characteristic quality with which it was marked, and that was, the pure, high, and peculiarly Christian principle which distinguished and pervaded every part of that discourse. (Applause.) He would not longer detain the meeting by any observations of his, than by asking them to concur in the resolution which he would read to them. Mr. Wills concluded by proposing the first resolution: —

"I. That this Meeting, having derived much instruction and entertainment from the addresses delivered by James Silk Buckingham, Esq., M.P., cannot take leave of him without expressing their cordial and grateful thanks for these and his other various exertions for the public good."

JOSHUA SCHOLEFIELD, Esq. M.P., in seconding the resolution, said that he felt much pleasure in bearing his testimony to the exertions which Mr. Buckingham had made in Parliament, common with the friends of humanity, for the abolition of that blot on their country, the slave trade. (Cheers.) There was no part of that measure to which he did not give his fullest and most strenuous support. He had also, by the introduction of a most humane and just measure, endeavoured to remove another blot upon the national annals, he meant the impressment of seamen. He had endeavoured to get a different system introduced for that which still existed, which bore upon the poor and helpless, who were often forced, on leaving their ships on their return from a long and dangerous voyage, to embark again in the service of their country, and were thus made the victims of a cruel and unequal law. (Hear, hear.) Instead of this, he proposed a plan which rendered the rich man as well as the poor and friendless liable to be called on when such extreme measures were had recourse to; but, to the dishonour of Parliament, they did not accede to his plan. He (Mr. Scholefield) hoped, when the government got into better hands—(loud cheers)—that such an equal law would only have to be proposed in order to be acted upon. Many measures were proposed in Parliament which did not succeed, and of which, in many instances, the public knew nothing—yet every measure having for its object the liberty and happiness of the people, received Mr. Buckingham's ablest support. (Applause.) He had been most cruelly and wantonly ill-treated, his property had been destroyed, his prospects blighted, and he had been subjected to every indignity which tyranny could inflict, at the hands of those for whom men should blush that they should be capable of inflicting such an injury upon their fellow-creatures. The Hon. Gentleman concluded amidst loud cheers by seconding the resolution, which was put from the chair and carried unanimously.

Mr. BUCKINGHAM again presented himself to the meeting, and was received with repeated cheers. He said that he responded to the vote which had just been passed with all the gratitude they themselves could desire; and if his acknowledgements could be clothed in one form of expression more desirable than another, he begged they would consider that form of expression to have been adopted, whether he made use of it or not. (Cheers.) He had been asked by their worthy Chairman to give some account of the circumstances connected with his wrongs, which he would endeavour to compress into as short a space as possible. [Mr. Buckingham here entered into an interesting narrative of his wrongs, which produced a very strong sensation on the meeting; and, at its close, sat down amidst great applause.]

THOMAS ATTWOOD, Esq., M.P., in moving the next resolution, said he had no doubt it excited amongst them no small degree of wonder that Mr Buckingham, an humble individual like one of themselves, should be so much persecuted by no less than twenty-four kings of the vast empire of India: for in truth these twenty-four Directors were virtually kings of a hundred millions of people, yet they felt towards him a mortal anger and hatred. (Hear, hear.) But their surprize would cease when they recollected that he had been the enemy of the East India monopoly—for tyrants never forgave the friends of liberty when they succeeded in overturning their unjust dominion; and Mr. Buckingham had been instrumental in overturning the commercial tyranny of the Company both in India and China. (Loud applause.) But he had not been forgiven, and he never would be, by the tyrants whom he had assisted to humble; for the trade was made free, their right arm had been broken as commercial mono-

polists, and they were no longer allowed to trade at all. (Cheers.) He (Mr. Attwood) could bear testimony to the integrity and humanity which had always distinguished Mr. Buckingham's conduct in Parliament. Having no wealth to depend upon, he was one of those men who, if he were not armed by virtue and integrity, would have been seduced by scores of men whom he (Mr. A.) knew would be ready to corrupt him, and who would take especial care to do him ample justice, or make a remuneration which would be more than equivalent to his demands on the East India Company. (Hear, hear.) He had frequently said to himself, while contemplating the conduct and principles by which Mr. Buckingham was actuated in Parliament—this is a mark of virtue which demands our sincere respect and esteem. (Cheers.) It might perhaps be said by some, what has Mr. Buckingham done? But those who would put this question little know the difficulties thrown in the way of measures of public utility in Parliament—indeed the impossibility almost of doing anything. True they had had great changes, but in his mind they should have greater changes before that House would really become a House of Commons. (Cheers.) He (Mr. Attwood) would mention one instance as a proof of this fact. Mr. Buckingham had had before Parliament, during the last two Sessions, two good bills, both dictated by a humanity of the very highest order—the object of one being to establish public walks and places of amusement which would be conducive to the health and recreation of all, but more especially to the working classes—the other, for the establishment of public institutions, and the advancement of knowledge. These were to be practicable only by the general consent of the rate-payers of the different towns, and although thus guarded against abuse, and although calculated to afford gratification and health, and instruction to millions of human beings, yet with all these important objects in view, and with a reformed House of Commons, there were so many characteristics of the old boroughmongering system clinging around it, that it was impossible to get them through. (Loud cheers.) They allowed you to bring in a good bill, but there they buried it—they did not even acknowledge it, but put it amongst what are called the orders of the day (laughter); and day after day, week after week, month after month, and session after session were those orders brought forward, only to go through the farce of postponing them again. The Ministers had the nomination of the orders which should take precedence, and they might depend upon it Mr. Buckingham's would never come on the first. (Cheers and laughter.) These orders were all numbered; and although Mr. Buckingham's might be first on the list, yet it would be thrown aside to give place to some Ministerial measure, perhaps No. 30, and thus it was in the Reformed House of Commons that the rights and interests of the people of England were trampled under foot. (Loud applause.) He (Mr. Attwood) would say no more; he cordially agreed in every expression contained in the resolution which he was about to submit to the meeting. The Hon. Gentleman concluded, amidst general cheers, by moving the second resolution.

"II. That this Meeting desire thus publicly to offer to Mr. Buckingham their testimony against the cruel wrongs he has suffered by the arbitrary and irresponsible acts of the local government of British India, and by the unjust conduct of the Directors of the East India Company; and they trust that the laudable example which the people of Sheffield have set, in opening a Public Subscription to purchase him an Annuity, will be so followed up throughout the Empire, that Mr. Buckingham may receive, at the hands of the British Public, that reparation of his injuries to which he is entitled, no less by the justice of his case than by his labours in the cause of public morality and social happiness."

Mr. Lucas Chance felt great pleasure in seconding the resolution. He would at that late hour only trouble the meeting by touching upon one point, and that was the main point. (Cheers.) Mr. Buckingham had made out a case against the East India Company, which was admitted on all hands to be true; and he conceived that Birmingham, in common with every other commercial place, was deeply indebted to him for the advantages which they at present enjoyed. He it was who originally called the attention of this country to the immense continent of Hindoostan, and to the Charter of the East India Company. Every one knows how little attention, previous to this, the Continent of India received from the community at large—indeed it was remarkable that up to the present day this country was giving to the twenty-four kings spoken of by Mr. Attwood, a revenue of nearly twenty-five millions annually wrung from the labour of a hundred and forty millions of human beings. (Hear.) For these important services he thought they were bound to show their gratitude to Mr. Buckingham in as substantial a form as the inhabitants of Sheffield had evinced theirs. It was proposed by them to raise a subscription of £5000, in order to secure to Mr. and Mrs. Buckingham an annuity during their lives. Half this sum had been already collected (cheers), and he considered that it would be a disgrace to Englishmen if for want of funds they allowed it to fail—it should not be considered in the light of a favour conferred on Mr. Buckingham, but as a moderate recompense for work and labour done. (Loud cheers.) He trusted what had been said on that subject would induce his fellow-townsmen to lend their assistance in promoting this object, and whilst they accused the East India Company of doing injustice, that by apathy or indifference they might not subject themselves to a similar charge. (Cheers.)

Joshua Scholefield, Esq. having been requested to take the chair, a vote of thanks was unanimously passed to Captain Moorsom, and the meeting separated at about half-past ten o'clock.

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DESCRIPTION

OF THE

TEETH OF A NEW FOSSIL ANIMAL

FOUND IN THE

GREEN SAND OF SOUTH CAROLINA.

BY

ROBERT W. GIBBES, M. D.,

Of Columbia, South Carolina,

Corresponding Member of the National Institute, Washington; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c.

(*From the Proceedings of the Academy of Natural Sciences, read June* 3, 1845.)

DORUDON SERRATUS.

Teeth spear-shaped, serrated, in distinct deep sockets with double fangs, the bifurcation commencing a half inch below the enamel, which extends from the point of the tooth one inch; enamel striated; the serræ longitudinal, diminishing in size from the apex of the tooth, which is $\frac{7}{8}$ of an inch from the first lateral point; length of the tooth $3\frac{1}{4}$ inches; breadth $2\frac{1}{8}$ inches; thickness of the body below the enamel *a half inch*; the anterior root a cone compressed laterally, the other prismatic, thicker on the posterior side, which is fluted so as to present the appearance of being partially divided into two fangs. Where the fangs are united the neck is contracted, so that a horizontal section presents the yoke shape of the tooth of the *Zeuglodon* of OWEN; in one of the teeth the distance from the extremities of the fangs across is $2\frac{1}{2}$ inches.

The teeth and fragments of a maxillary bone here described, were found in March last, in a bed of Green sand near the Santee Canal, in South Carolina. The locality is on the plantation of R. W. Mazyck, Esq., about three miles from the entrance of the canal from the head waters of Cooper river. The deposite of Green sand is from four to eight feet thick near the surface, lying on a

solid yellowish limestone containing casts of *Cardita Planicosta*, (Sow.,) and *Pecten Mortoni*, (Ravenel,) which, according to the opinions of LYELL and CONRAD, would refer it to the *Eocene* period. Casts of *C. planicosta* are found in the Green sand, which seems, therefore, to belong to the *Tertiary* formation. CONRAD makes the following remarks, in his communication on "the *Tertiary*," addressed to the National Institution.

"In many localities of the former period (tertiary,) the *green sand* is quite as abundant as in the fossiliferous 'marls' of New Jersey." In this deposite is found, in great abundance, *Gryphœa mutabilis*, also *Pecten membranosus*, *P. calvatus*, *Scutella crustuloides*, *S. Rogersii*, *Solarium?* *Plagiostoma gregale*, *Anomia jugosa*, *Teredo tibialis*, *Scalaria Sillimani?* Casts of a large *Nautilus*, probably *Alabamiensis*, (Morton,) vertebræ of *Cetacea*, Teeth of *Crocodiles*, and of several species of *Squalus*; casts of *C. planicosta*, and of a *Terebratula*. Mr. Tuomey, the Geological Surveyor of South Carolina, found also, at this locality, a new *Ostrea* and a large *Lima*. Here also was found a singular fossil, of a conical shape, 15 inches long, fluted externally, somewhat resembling a Belemnite, of which a drawing and description have been forwarded to the Academy of Natural Sciences by Dr. E. Ravenel, of Charleston, South Carolina.

About two miles from this locality a very compact white limestone is found, with grains of silicate of iron intermingled with portions of it, containing *Ostrea sellæformis*, *O. panda*, *Terebratula lacryma*, *Scutella crustuloides*, casts of *Turritella Mortoni*, *Conus gyratus*, *Anthophyllum atlanticum*, *Flustra?* casts of the Chambers of a *Nautilus*, *Crustacea*, a *Spatangus*, *Cidaris?* &c. &c. Here also Mr. Tuomey has discovered another new *Ostrea*. This list of fossils is made out from recollection, and without the specimens before me.

With these teeth I have a part of a lower maxilla, containing portions of teeth, 20 inches in length, hollow, filled with the *green sand*. It resembles much the elongated beak of the *Gavial*, but is too imperfect to describe more accurately.

A portion of the anterior part of this jaw contains a cuspidatus, resembling that of the *Megalosaurus*, a single fang, with the protruding crown and point curved but not serrated; it is compressed laterally, and placed obliquely in a socket.

These teeth are all *hollow*, filled with the *green sand* which surrounds them. They differ materially from any genus or species described by CUVIER, OWEN, MANTELL, BUCKLAND, HARLAN, MORTON, or HAYS. A strong resemblance exists, in the form of the elongated snout, to the *Gavials*, while the hollow teeth, characteristic of *Saurians*, differ from them in being seated in sockets, and having two roots.

MANTELL, treating of the teeth of Reptiles, says:

"The characteristic type is that of a conical pointed tooth with a simple root or fang; for in no reptile does the base of the tooth terminate in more than one fang, and this is never branched."

OWEN, in his *Odontography*, (p. 25.) observes:

"Any fossil which exhibits a tooth implanted by two fangs in a double socket must be mammiferous, since the socketed teeth of reptiles have but a

single fang, and the only fishes' teeth which approach such a tooth are those with a bifurcate base belonging to certain sharks."

I observe that Professor OWEN has classed the *Zeuglodon* (*Basilosaurus* of Harlan,) with the *Cetacea*. I am inclined to think the *Dorudon*, which I here name, (from δορι, a spear,) will, on farther investigation, be found to belong to the same class.

I visited the locality where it was found, but the marling operations of the planters had ceased for the season, and the pits were filled with water. I have made arrangements for excavations in the fall, when I hope to procure other bones of this remarkable fossil. It may then be possible to decide with more authority as to its position in the great scale of extinct gigantic *carnivora*.

Since the above communication was written, I have visited Albany, and through the politeness of Professor EMMONS, had an opportunity of examining the teeth of the *Zeuglodon cetoides*, (Owen.) I was much struck with the similarity in their general characters with those of the *Dorudon*. They are very much of the same form, but the crown rounded instead of hastate—the serratures are similar, though more crenate. The fangs of some are inserted almost perpendicularly, while in others they are divergent, and fixed in the sockets as in the *Dorudon*. The teeth of the *Zeuglodon* are *solid*, of dense structure, and very strong, resembling those of *Cetacea*, while the *hollowness* of those of the *Dorudon* approximate it to the *Saurians*. The jaw of the *Zeuglodon* is much shorter, and proportionally thicker. The conformation being similar, while the specific characters of these teeth separate them, I am disposed to think that the *Dorudon* is an intermediate connecting link between these two great classes.

Professor EMMONS is about to publish correct drawings of the teeth of the *Zeuglodon*, which Professor OWEN has not given from having imperfect specimens.

June 20th, 1845.

References to Pl. I., Vol. 2.

1. Tusk of Lower Jaw of Dorudon.
2. Edge View of No. 1.
3. Edge View of No. 5.
4. Portion of Upper Maxilla, with Teeth.
5. Inner View, showing the Insertion of the Fangs.

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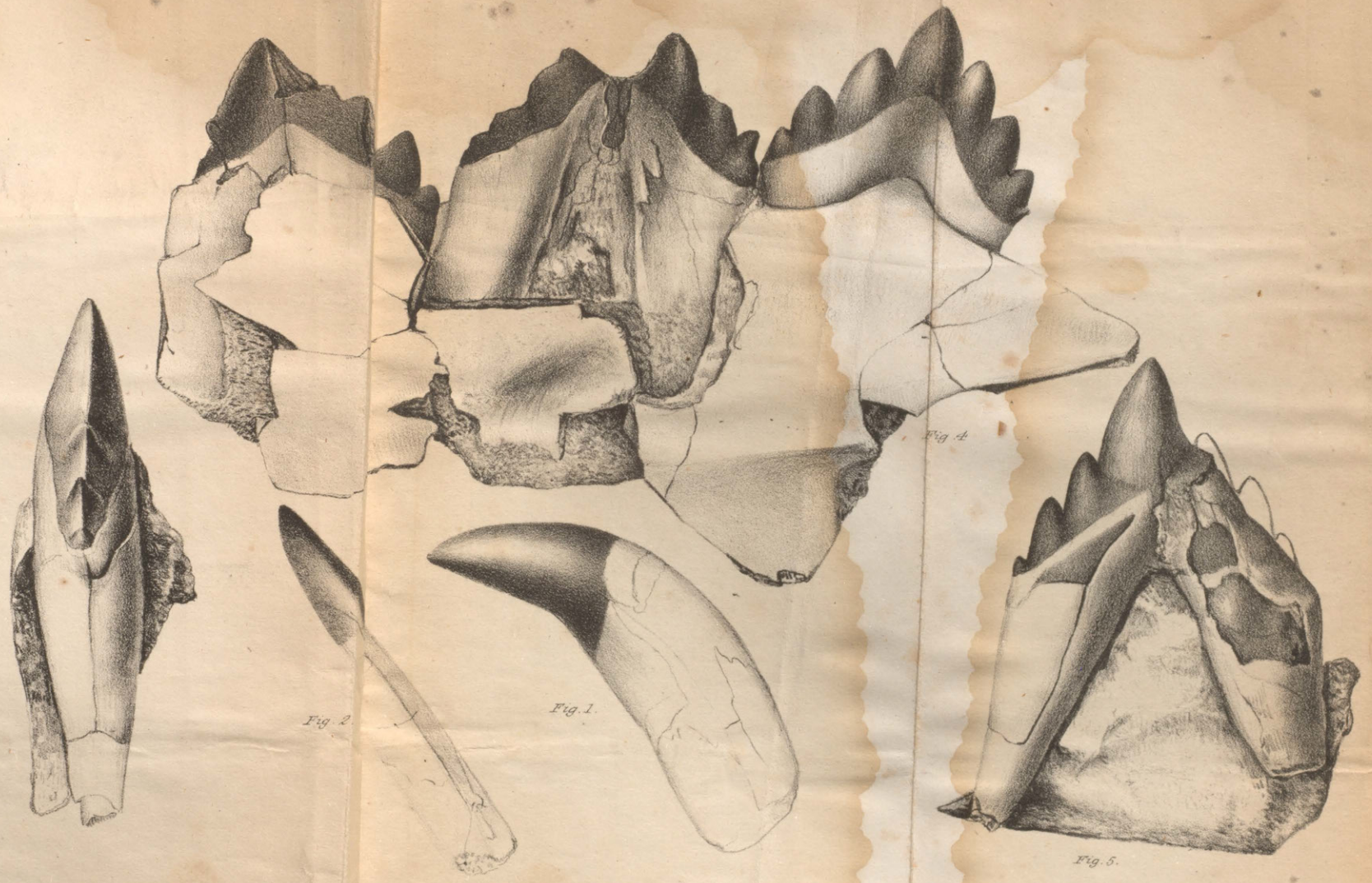


Fig. 3.

Fig. 2.

Fig. 1.

Fig. 4.

Fig. 5.

From Nature by French.

Dorudon Serrátus. GIBBES.

Sinclair's Lith. Phil.ª



Fig. 1.

Dorudon Serratus. GIBBES.